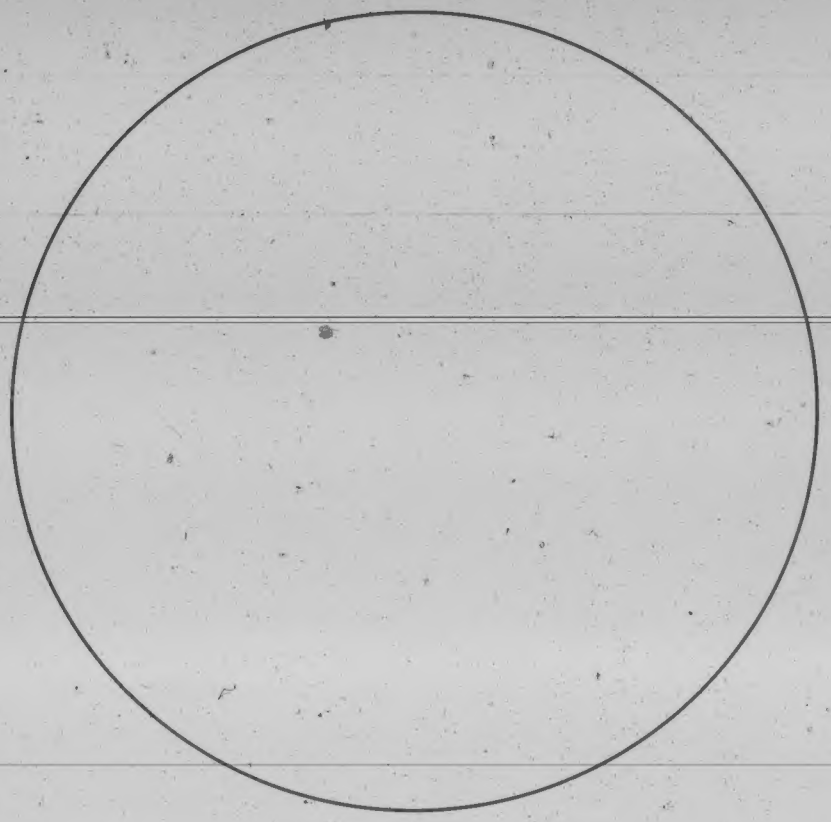
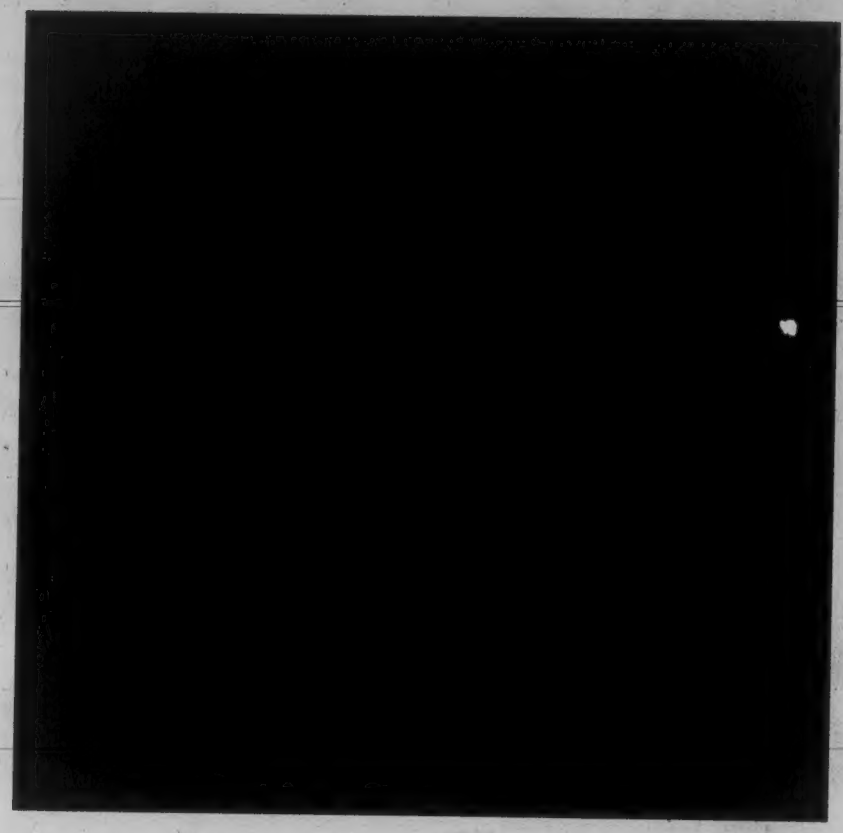
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APPLICATIONS FOR ENROLLMENT OF THE

COMMISSION TO THE FIVE CIVILIZED TRIBES

1898 - 1914

ROLL 362

CHEROKEE FREEDMEN R58 - R114

THE NATIONAL ARCHIVES
NATIONAL ARCHIVES AND RECORDS SERVICE
GENERAL SERVICES ADMINISTRATION

WASHINGTON: 1963

Cher Fr R 58

Cher Fr R 58

Patsy Irving: 1 s 3

Q ... you stayed back ... left me there; brought the two oldest children.
Q Were you living with ... there in Texas? A Yes sir.
Q Or were you living with ... folks? A No sir, I was living with my father; I grew up to the Harmons until I was a great big girl.

... The applicant applies for the enrollment of herself and two children; she is not identified upon the roll of 1880, nor upon the Verna-Clifton Roll of 1896, nor upon the roll of 1898, nor upon either of the two latter rolls; the applicant states that she is forty years of age, that she was born in the State of Texas, and that she lived in the state of Texas about five years ago, when she came to this ... it is obvious on ... that the applicant is not entitled to enrollment at this time, nor are her children entitled to enrollment, and therefore the application for herself and that of her children is listed for rejection.

---oOo---

... being first duly sworn, states that as stenographer ... Commission to the Five Civilized Tribes ... testimony and proceedings in this case and that the foregoing is a true and complete transcript of the stenographic notes ...

Subscribed and sworn to before me this April 22, 1901.

MAR CTED:

Department of the Interior,
Commission to the Five Civilized Tribes,
Ft. Gibson, I.T., April 20,1901.

In the matter of the application of Patsy Irving for the enrollment of herself and two children as Cherokee Freedmen; being sworn and examined by Commissioner Breckinridge, she testified as follows:

Q Give me your full name? A Patsy Irving.
Q How old are you? A I don't know my age, but my young mistress told me that me and her, says was near together, and says it would make me about 40 years old.
Q What is your post-office? A Ft. Gibson.
Q In what district do you live? A Illinois.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir.
Q Do you want to enroll anybody but dem yourself? A I have got two children.
Q How long have you lived in the Cherokee Nation? A Well I am going to tell it just like it is, I come back here five years ago, I reckon.
Q Where had you lived all your life before that? A I was born in Texas.
Q And lived there up to five years ago? A Yes sir.
Q Give me the name of your father? A Riley Harnage.
Q Is he dead? A Yes sir.
Q Give me the name of your mother? A Tishie Harnage.
Q Is she dead? A Yes sir.
Q How long has your father been dead? A I am not able to say.
Q How long has your mother been dead? A Miss Elliott told me my mother died first year of peace, Miss Emma Harnage.
Q She died down in Texas? A Yes sir.
Q You are married? A Yes sir.
Q To whom are you married? A Jeff Irving.
Q Were you ever married except to him? A Yes sir.
Q Are these children by this man? A Yes sir.
Q How many times were you married before you married this husband?
A Once.
Q Was that husband dead before you married this husband? A No sir, I was divorced from him. I will tell you like it is, I am not lying to you.
Q Give me the names of your children? A Tishie Irving.
Q How old is the child, Lutitia? A 12 years old.
Q Give me the name of the next child? A Olivia Irving.
Q How old is that child? A 16 years old.
Q Are these children both living now? A Yes sir.
Q They were born in Texas? A Yes sir.
Q But have been in the Cherokee Nation now the last five years?
A Yes sir.
Q Did you draw Cherokee Strip money? A No sir.
Q You are not on any roll of the Cherokee Nation? A No sir, not unless some of my old people enrolled me.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not found.

1896 census roll of citizens of the Cherokee Nation examined and neither applicant or her children named are found.

Kerns-Gilfillan pay roll of citizens of the Cherokee Nation examined and applicant nor children are found.

Q What was the name of your owner in old times? A John Harnage.
Q Was that your brother who applied here just before you? A Yes sir.
Q When did he leave Texas? A I can't remember what he left; I was small.
Q He didn't stay there with you? A No sir, my father left me there it back here in time; they went for all the people to get back here; brought him and my oldest sister.

Q But you staid back there? A He left me there; brought the two oldest children.
Q Were you living with your father down there in Texas? A Yes sir.
Q Or were you living off with some other folks? A No sir, I was living with my father; I growed up with the Harnages until I was a great big girl.

Com'r Breckinridge: The applicant applies for the enrollment of herself and two children; she is not identified upon the roll of 1880, nor upon the Kerns-Clifton roll nor upon the roll of 1896, or either of her two minor children upon either of the two latter rolls; the applicant states that she is forty years of age, that she was born in the State of Texas, and that she lived in the State of Texas until five years ago, when she came to the Cherokee Nation; it is obvious under these conditions that the applicant is not entitled to enrollment at this time, nor are her children entitled to enrollment, and therefore the application for her enrollment and that of her children is listed for rejection.

-----****-----

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this April 22,1901.

Commissioner.

MEMORANDUM OF APPLICATION

CHEROKEE FREEDMEN.

No.

1. Name
Census card
Year Page
Parents:
Father
Mother
Name of Father
Census card number
Year Page No.
Parents:
Father
Mother
Names of Children:

RECEIVED
APR 20 1901
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
ACTING CHAIRMAN

Citizenship
Patent
Citizenship
Citizenship
No. 140
Citizenship
District
Citizenship
Citizenship

	Year	Page	No.	Dist.
1.				
2.				
3.				
4.				
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11.				

Application filed by
Attorney at law

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date APR 20 1901

Post Office Fort Gibson

District Illinois

1. Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

(1) Name of wife Patsie Irving Age 40.

Owners name John Hamage Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father Riley Hamage Citizenship D

Mother Tisha Hamage Citizenship D

Names of Children:

2. Tisha Letitia Irving Year ..... Page ..... No. ..... Dist. 12

3 Olivia " Year ..... Page ..... No. ..... Dist. 16

5. ..... Year ..... Page ..... No. ..... Dist. .....

6. ..... Year ..... Page ..... No. ..... Dist. .....

7. ..... Year ..... Page ..... No. ..... Dist. .....

8. ..... Year ..... Page ..... No. ..... Dist. .....

9. ..... Year ..... Page ..... No. ..... Dist. .....

10. ..... Year ..... Page ..... No. ..... Dist. .....

11. ..... Year ..... Page ..... No. ..... Dist. .....

12. ..... Year ..... Page ..... No. ..... Dist. .....

Application made by Irving Stenographer Green M D

Cherokee Freedmen R-68.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Patsy Irving et al., as Cherokee freedmen.

D E C I S I O N.

The record in this case shows that on April 20, 1901, Patsy Irving appeared before the Commission at Fort Gibson, Indian Territory, and made application for the enrollment of herself and her two minor children, Olivia and Tishie Irving, as Cherokee freedmen.

The evidence shows that Patsy Irving was not the slave of a Cherokee citizen nor a free colored person, residing in the Cherokee Nation at the commencement of the rebellion. Nor did she return to the Cherokee Nation within the time specified, in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. The Cherokee Nation, et al., for the return of freedmen to said Nation. The children, applicants herein, can acquire no rights not possessed by their said mother.

The said Patsy Irving cannot be identified on the Cherokee authenticated roll of 1880.

It is, therefore, the opinion of this Commission that the application for the enrollment of Patsy Irving, Olivia Irving and Tishie Irving as Cherokee freedmen should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,
this JUL 23 1904

Cherokee Freedmen

B-58.

COPY.

Muskogee, Indian Territory, August 6, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Patsy Irving for the enrollment of herself and her two minor children, Olivia and Tishie Irving, as Cherokee freedmen, including the Commission's decision rejecting said application.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Encl. S-14.

Through the

Commissioner of Indian Affairs.

1009

COMMISSIONERS
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.
WM. O. BEALL,
Secretary

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen
R-58.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, August 6, 1904.

Hastings, Bell & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes dated July 23, 1904, rejecting the application of Patsy Irving for the enrollment of herself and her two minor children, Olivia and Tishie Irving, as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Encl. R-13.

COPY.

Cherokee Freedmen

E-58.

Muskogee, Indian Territory, August 8, 1904.

Patsy Irving,

Fort Gibson, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself and your two minor children, Olivia and Nishie Irving, as Cherokee freedmen, together with a copy of the Commission's decision dated July 23, 1904, rejecting your said application.

The decision, with the record of proceedings had in the same, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles

Commissioner in Charge.

Encl. S-12.

Register.

(C O P Y)

DEPARTMENT OF THE INTERIOR

Refer in reply to the following:
Land.
54394-1904.

OFFICE OF INDIAN AFFAIRS,
WASHINGTON, August 20, 1904

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose , herewith, a report from the Commission to the Five Civilized Tribes, dated August 6, 1904, transmitting the record of the application for enrollment as Cherokee freedmen by Patsy Irving for herself and her two minor children, Olivia and Tishie Irving.

July 23, 1904, the Commission decided adversely to the applicants.

The record shows that the principal applicants was not the slave of a Cherokee citizen at the beginning of the war of the rebellion; that she was born in the state of Texas and removed to the Cherokee Nation about 1896, and that none of the applicants' names is found on any roll pertaining to the Cherokee Nation.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

W.A . Jones,
Commissioner

M.M.M.
W.

(C O P Y)

DEPARTMENT OF THE INTERIOR, J.P.
FH R
D.C.32783-1904 L R.S.
I.T.D. 6762-1904. WASHINGTON.

September 1, 1904.

Commission to the Five Civilized Tribes.

Muskogee, Indian Territory.

Gentlemen:

August 6, 1904, you transmitted the record in the matter of the application of Patsy Irving for the enrollment of herself and her two minor children, Olivia and Tishie Irving, as Cherokee freedmen, including your decision of July 28 , 1904, rejecting said application.

Reporting in the matter August 20, 1904, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Thos Ryan
Acting Secretary

1 inclosure

COPY.

Cherokee Freedmen
R 58

Muskogee, Indian Territory, October 6, 1904.

Patsy Irving,

Fort Gibson, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated July 23, 1904, rejecting your application for the enrollment of yourself and your minor children, Olivia and Tishie Irving, as Cherokee freedmen, was affirmed by the Secretary of the Interior on September 1, 1904.

Respectfully,

SIGNED. Tams Bixby.
Chairman.

COMMISSIONERS:
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.
WM. O. BRAIL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee Freedmen
I 88

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 6, 1904.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated July 23, 1904, rejecting the application for the enrollment of Patsy Irving and her minor children, Olivia and Tishie Irving, as Cherokee freedmen, was affirmed by the Secretary of the Interior on September 1, 1904.

Respectfully,

Chairman.

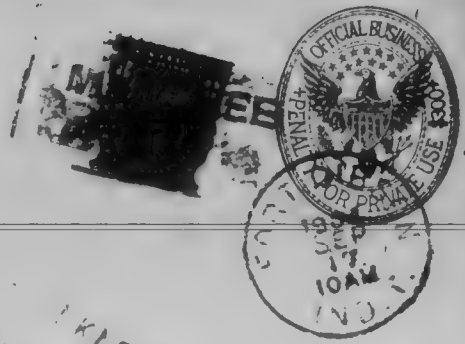

WAGONER, IND. T.
SEP
1908


AUG
1908



Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.





Returned to Writer.

Territor..

ENROLLMENT REFUSED

IN THE MATTER OF THE APPLICATION OF

Patsie Irving, et al

FOR ENROLLMENT AS

CHEROKEE FREEDMEN

A. Original testimony, Apl. 20-'01

B. Mem. of application, " " "

REFUSED

ACTION APPROVED BY SECRETARY OF INTERIOR

SEP 1 - 1904

Copy with

Cher Fr R 59

Cher Fr R 59

Diana Plaza.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this the 22nd day of April, 1901.

Notary Public.

My Commission Expires.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., April 20, 1901.

In the matter of the application of Diana Pigee for the enrollment of herself and four children as Cherokee Freedmen.

Diana Pigee, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Diana Pigee.
Q How old are you? A About 35 I guess, I don't know my age.
Q What is your post office? A Benge.
Q In what district do you live? A Sequoyah.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you want to enroll anybody besides yourself? A My children.
Q How many? A Four.
Q How long have you lived in the Cherokee Nation? A I was born here.
Q Have you lived in the Nation all your life? A I lived in the Nation all my life excepting going out and in, I have been out and in two and three months, sometimes four.
Q Give me the name of your father? A My father was George Baker.
Q Is he dead? A Yes, sir.
Q How long has he been dead? A About 14 or 15 years.
Q Give me the name of your mother? A Rachel Baker.
Q Is she dead? A No, sir, she is living.
Q When did you marry? A I married near about 14 years ago.
Q Give me the name of your husband? A Aaron Pigee.
Q Is he a colored man? A Yes, sir.
Q Is he alive now? A Yes, sir.
Q Where did you marry him? A In the nation.
Q Where? A Near the Arkansas river on Camp Creek.
Q Did you get a Cherokee license or United States, or did you just have a preacher marry you? A He had a license.
Q Do you know where he got it? A No, sir, I don't know where he got it.
Q You don't make any application for him? A No, sir.
Q He doesn't claim any rights as a Cherokee? A No, sir, he don't claim anyrights as a Cherokee.
Q Were you ever married except to him? A No, sir.
Q Have you lived with him ever since you and he were married?
A Yes, sir.
Q Where were you born? A I was born in the Cherokee Nation, my mother said; Rachel Baker in my mother.
Q Your mother applied here to-day for enrollment, didn't she?
A Yes, sir, just a while ago; that old lady, that one that was crazy talking sorter, that is my mother.
Q Give me the names of your children? A Edgar Pigee.
Q How old is that child? A 12 years old.
Q Give me the name of the next child? A Ll.
Q What is the name of the child? A William Luther.
Q The next child? A Bossy.
Q How old is that child. A 8.
Q The next child? A Wilson Pigee.
Q How old is he? A 4 years old.
Q Are these children all living now? A Yes, sir.
Q Have you ever been enrolled by the Cherokee authorities?
A No, sir.
Q You have never drawn any money from the Cherokee Nation?
A No, sir.
Q Who here knows that you and your husband are married?
A My mother knows it.
Q Nobody except your mother? A No, sir.
Q You haven't any certificate of marriage or anything of that sort?

A No, sir, not with me.

The 1880 authenticated roll of Cherokee Freedmen examined, and the applicants not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicants not identified thereon.

The Kerns-Clifton pay-roll examined, and the applicants not identified thereon.

Q Now the matter of your mother's residence was gone into very fully in her case, and I suppose it is hardly worth while to go into it with your case. Did you live with your mother up to the time you were married? A Yes, sir.

Q And where have you and your husband lived ever since you were married? A We have lived down here in Sequoyah, and then sometimes he would go out down to the States to his mother, two or three months at a time.

Q Where does his mother live? A His mother lives in the state.

Q Where does she live? A Lives at Arkadelphia the last time I heard of her.

Q That is in Arkansas? A Yes, sir.

Q And that is the home of your husband's mother? A Yes, sir.

Q You spent sometime there, have you? A Yes, sir, I stayed there a month or two weeks, a ~~month~~ month at a time.

Q Have you had any settled home since you were married 14 years ago? A No, sir, I haven't got any home, just living in the nation.

Q What business do you and your husband follow? A He moves around and works out.

Q Has that been his business ever since you were married?

A Yes, sir, except preaching.

Q Has he made a crop though, every year? A Yes, sir.

Q Where has he made those crops? A He made some of them, three crops, with Houston Benge.

Q Where is that, here in the Cherokee Nation? A Yes, sir, down in Sequoyah.

Q Has he made any other crops in the Cherokee Nation except these? A Yes, sir, he has made a crop with Mr. McDonald now.

Q And that is as far as you know of his making crops? A Yes, sir, and preaching somewhere down in the nation and sometimes down in the states; of course if we lived on a farm ~~mmmighty~~ all the time, but sometimes we don't make general crops, just gardening, potatoes, and like that, we don't make a full crop.

Q You haven't had any settled home since you were married? A No, sir, what I call a settled home, I haven't had any.

Commissioner Breckinridge: The applicant applies for the enrollment of herself and four children. She states that she has lived in the Cherokee Nation all her life, but has been in and out of the nation from time to time. She claims to have been married to one Aaron Pigee, some 14 years ago. The marriage is not established except by the applicant's testimony. The applicant is not identified on the roll of 1880 or the Kerns Clifton roll, or upon the roll of 1896. Three of the children are old enough to be upon both of the latter rolls, but they are not identified upon either of these rolls. The youngest child, Wilson, is 4 years of age, and too young to be upon any.

The applicant's mother, Rachel Pigee, has made application in the course of this day, and her case is Freedman Roll, Cherokee Nation, Rejected 57. There the rights of this family were gone into very fully, and no ground was found upon which enrollment of any of them could be justified. There is no evidence adduced at this time upon which to base the applicant's right to enrollment, and she and her children will not be listed for enrollment as Cherokee Freedmen upon a rejected card.

Eight Pages.

Bruce S. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce S. Jones

Sworn to and subscribed before me this the 22nd day of April, 1901.

Commissioner.

COMMISSION TO THE FIVE CIVILIZED TRIBES
DEPARTMENT OF THE INTERIOR
RECEIVED
APR 30 1901
Ind. T. D

Father

Mother

Post Office

Name of husband

Father

Mother

Post Office

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date APR 20 1901

Post Office Benge

District Sequoyah

1. Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

(1) Name of wife Diana Pigee Age 35

Owners name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father George Baker Citizenship .....

Mother Rachel Baker Citizenship .....

Names of Children:

2. Edgar Pigee Year ..... Page ..... No. ..... Dist. 12

3. William L. " Year ..... Page ..... No. ..... Dist. 11

4. Bossie " Year ..... Page ..... No. ..... Dist. 8

5. Wilson " Year ..... Page ..... No. ..... Dist. 4

7. ..... Year ..... Page ..... No. ..... Dist. .....

8. ..... Year ..... Page ..... No. ..... Dist. .....

9. ..... Year ..... Page ..... No. ..... Dist. .....

10. ..... Year ..... Page ..... No. ..... Dist. .....

11. ..... Year ..... Page ..... No. ..... Dist. .....

12. ..... Year ..... Page ..... No. ..... Dist. .....

Application made by No (1) Stenographer Jones B. C.

(No Enrolment)

11

nature and there is no gound, at least at present, that seems to afford any right to enrollment at this time. The application for her enrollment and for that of her child will be placed upon a rejected card, both of them being listed as Cherokee Freedmen, though it is doubtful whether the applicant through her mother is of African origin or of Indian origin. The applicant's husband is said to have been dead a number of years.

****

J. C. Rosson, being first duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, J. C. Rosson.

Subscribed and sworn to before me this the 24th day of April, 1901.

Signed, C. R. Breckinridge,
Commissioner.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes, he has made the foregoing a true copy from the original.

Bruce C. Jones

Sworn to and subscribed before me this the 24th day of April, 1901.

C. R. Breckinridge

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., April 20, 1901.

In the matter of the application of Rachel Baker for the enrollment of herself and one child as Cherokee Freedmen; said Baker being sworn and examined by Commissioner C. H. Breckinridge, testified as follows:

Q Give me your full name? A Rachel Baker.
Q How old are you? A I can't tell, as near as I can recollect I am about 65.
Q What is your post office? A Bunge.
Q In what district do you live? A In Sequoyah.
Q Do you want to ve enrolled as a Cherokee Freedman? A Cherokee Freedman I reckon.
Q Do you want to enroll anybody besides yourself? A I got children to enroll, but some of them is here and some is not.
Q They are all grown are they? A I have got one 16 years old.
Q That is your youngest child? A Yes, sir.
Q Is that the only one that is under 21 years of age? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A I have been here for years and years.
Q Have you been here all your life? A I have been here off and on all my life, first in the Choctaw Nation and here in the Cherokee.
Q Where were you born? A I can't tell that.
Q Where did you live up to the time you were 20 or 21 years of age?
A I was up here at the salt works.
Q You have been married, have you? A Yes, sir.
Q How many times have you been married? A I haven't been married but once.
Q To whom were you married? A Married a man by the name of Baker.
Q Give me his full name? A George.
Q How old were you when you married George Baker? A I don't know.
Q Give me as near as you can? A I reckon I was about, I was 16 years old I reckon, 16 or 17.
Q Where were you and George Baker married? A Married after we crossed over the line up there at the salt works.
Q Married in the Cherokee Nation? A Yes.
Q Have you been living a good long time in the Cherokee Nation when you and George Baker married? A Yes, sir, just been living in the Cherokee Nation and going out and over in the Choctaw Nation and over in the State and working, first one place and then another.
Q Working for yourself and making your own living? A Yes, sir, this man Baker I was with, I worked with him and when I wanted anything and talking with him he would pay me.
Q He was your husband was not he? A No, sir, his name was Jim Baker.
Q Your husband's name was George Baker? A Yes, sir.
Q Who was this Jim Baker? A I don't know what he was.
Q Why did you go to him? A I don't know why; I had worked with him and stayed with him most of the time. I didn't think there was anywhere else for me to stay.
Q Did he have a farm? A Yes, he was working anthere around the salt works.
Q Working for day wages? A I was just working and they would pay me.
Q Was this man, Jim Baker, working for day wages? A I suppose so.
Q Sometimes you worked with him and sometimes you didn't work with him? A Yes, sir. Sometimes I would be cooking and he would pay me and I would go to him and ask him for anything and he would pay me.
Q What would you do with your money? A I would spend it.
Q Well, then after a while you married a man by the name of George Baker? A Yes, sir.
Q Was he any kin to Jim Baker? A I don't know that.
Q

Q Where did you live when you and George Baker married?
A I stayed there until the war come up.
Q Stayed there with your husband, George Baker? A Yes,sir, just like I had been until the war come up.
Q You say sometimes you would work in the Cherokee Nation?
A Yes, sir, when he would not have work I would go somewhere else.
Q Sometimes in the States? A Yes, sir.
Q One place and then another? A Yes, sir.
Q Not one place more than another? A I would know where home was.
Q And you would go and stay as long as you pleased and then come back when you pleased? A Yes, sir.
Q Now, when the war come up what did you and George Baker do?
A When they went to going off we went to.
Q Where did you go? A We went off to Texas and stayed around until about a year or maybe more.
Q Did you go across Red River? A No, sir, we went close to Red River, but I never did go to the river.
Q Did you go to Arkansas too? A Yes, sir.
Q When the war was over you and George Baker came back? A Yes,sir.
Q Is George Baker dead? A Yes, sir.
Q How long has he been dead? A A little over 17 years.
Q You lived with him until he died? A Yes, sir.
Q Well then, from the time the war closed until George Baker died, did you live any one place? A I have been living with my son-in-law and first one of the children and then another.
Q Was that before George Baker died? A No, sir.
Q I am talking about before George Baker died? A I was just knocking around, he was a sick man.
Q Did you have any regular home or did you and George Baker work at different place? A Just worked at different places and lived in a tent.
Q And you would go wherever you pleased? A Yes, sir.
Q Sometimes in the Choctaw Nation? A Yes, sir.
Q Sometimes in Arkansas? A Yes, sir, I was going to Fort Smith I used to wash and so it would be.
Q You say he died? A Yes, sir, he died there in Hot Springs, Arkansas, he went there for his health and died there.
Q Now you have never married since he died? A No, sir, I have not
Q Well, you married this George Baker sometime before the war?
A Yes, sir.
Q What was he doing when you married him, just working for wages?
A Yes, sir, wherever he could.
Q Sometimes in Arkansas and sometimes in the Territory? A Yes,sir.
Q That was before you married him? A Yes, sir.
Q And after you married him? A Yes, sir.
Q And before the war? A Yes, sir.
Q He would keep his money and spend it and give you some of it?
A Yes, sir, he would sure do that, give me some and spend some.
Q So what he made belonged to him and to you? A Yes, sir.
Q Is that right? A Yes, sir.
Q Well, now you claim to be a Cherokee Freedman? A Yes, sir.
Q Who was your master before the war? A That is him, Jim Baker I reckon.
Q As far as you know? A Yes, sir, that is as far as I know.
Q Have you ever been put on any roll of the Cherokee Nation?
A No, sir, I never have.
Q Give me the name of your child, that is the child that is 18 years old? A Lizzie Baker.
Q You say the child is 18? A Yes, sir.
Q This is George Baker's child? A Yes, sir.
Q George has not been dead quite 18 years? A I call it that.
Q Well, thereabouts? A Yes, sir.
Q Is this child living now? A Yes, sir.
Q She has never been put on any roll? A No, sir.

Q Was George Baker ever put on any roll? A If he was I didn't know it.

The 1880 authenticated roll of citizens of the Cherokee Nation examined and applicant's name not found thereon.
The 1896 census roll of citizens of the Cherokee Nation examined and the names of applicants not found thereon.
The Kerns-Clifton roll of citizens of the Cherokee Nation examined and the names of the applicants not found thereon.

Q It is evident that you were not a slave? A I never did apply for enrollment.

Q It is perfectly evident to me from what you say that you were always a free woman? A Yes, that is what I always thought.

Q Well, then you have no rights as an ex-slave because you never were a slave? (No response.)

Examination continued by John F. Faulds, attorney for applicant:

Q You came here before the war, didn't you? A Yes, sir.

Q Have you any idea how long before the war? A No, sir.

Q Well, were you brought here by anybody? A Yes, sir: I just come along with the people that was coming.

Q Were you subject to the orders of any person? A No, just about like any other child, but to say that I know more than that, I could not say.

Q You say that you think old Jim Baker was your owner? A That's what I thought.

John Williams, called as a witness for Applicant, having been sworn, testified as follows:

Examination by Commissioner Breckinridge:

Q Give your name? A John Williams.

Q How old are you? A 65 past.

Q What is your post office? A Fort Smith, Arkansas.

By John F. Faulds, Attorney for Applicant.

Q Are you acquainted with this lady, Rachel Baker? A I have seen her a few times.

Q Do you know where she was residing before the war? A I know where she was at one time, and I believe it was the same woman.

Q When was that? A In 1860.

Q Where was that? A At the Drew Salt works.

Q What was she doing there? A She was cooking for the camp there at the salt works.

Q Do you know whether she had a Master, whether she was a salve or not? A I don't know, sir, never heard anybody say and didn't ask her about it.

Q Do you know that she has been here since 1866? A I have seen her passing in the country, she lived down on Lees Creek, I have seen her since 1870; I had not seen her from the time I seen her in 1866 until I saw her in 1870.

By W.W.Hastings, Cherokee Representative:

Q You testified in the case of George W. Vann? A Yes, sir.

Q You testified then that you saw some colored woman cooking at those salt works? A Yes, sir.

Q You stated then that you saw this woman here for the first time? A I do.

Q Did? A Yes, sir.

Q And that she had told you that she was the same person and made herself known to you? A No, sir.

Q And you thought that she was the same person? A I did.

Q And you testified that you never saw her from the time you saw her at the salt works and the time you saw her now? A I think so.

Q You now say you saw her on Lees Creek in 1870? A Yes, I saw her when I was there.

Q How did you happen to see her? A I met her in the road.

Q You recollect the circumstances? A Yes, sir.
Q That was ten years afterwards? A Ten years afterwards.
Q You had not occasion to know her at the salt works? A I was there several times.
Q Now, thirty years afterwards you remember seeing the old colored person in the road up on Lees Creek? A Yes, sir.
Q She was alone? A She was along the road going from house to house I suppose.
Q Was anyone along with you? A No, sir.
Q No one with her? A I didnt see anybody with her there; I was ahead of my party, I had a party close behind me.

By John F. Faulds:

Q You saw her at the salt works, that is the time you speak about before the war, and you had not seen her until the time in 1870, but you know this woman is the woman you have been since 1870? A Yes,sir.
Q And when you saw her here a few days ago to appear here as a witness, then you recollected that this was the same old woman you saw in 1866? A Yes, sir; I pointed her out over a hundred years.
Q It was not until you came here as a witness that you made up your mind that she was the same woman that you had seen back in 1860?
A That is it.

By W.W.Hastings:

Q You recognized her on Lees Creek as the woman? A Yes, sir.
Q And you recognized her here? A Yes, sir.

George W. Vann, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name? A George W. Vann.
Q How old are you? A I will be 87 years old on the 27th day of December.
Q What is your post office? A Benge.
Q How long have you lived in the Cherokee Nation? A I have lived here ever since I moved here from the old Nation.

By John F. Faulds:

Q When did you first become acquainted with the applicant, Rachel Baker? A At the salt works.
Q When was that? A That was about the war, maybe about a couple of years before the war.
Q At the salt works at Webbers Falls in the Cherokee Nation before the war? A Yes, sir.
Q What was she doing there? A Cooking.
Q Do you know whether or not she was a slave? A She was not, Jim Baker, because when she cooked for him along I would pay the money for her cooking to Jim Baker and Jim Baker seemed to be her guardian, and they made a settlement every Saturday evening and I saw him take it, he would take it and when ever we didn't pay he would say that he was her guardian and he would see that she got her money.
Q She is a colored woman? A Mixed with Indian and colored.
Q Now, what time did you see her there, if you remember?
A Some time in 1860 I think.
Q When did you see her afterwards? A Well I never seed her after we broke up there until about 1870, I was at Fort Smith about 1870 and I saw her and had quite a laughing talk with her.
Q Do you know where she has been residing since that time?
A I know some of it.
Q Where? A She has been part of the time up here in the Cherokee Nation, part of the time in the Cherokee Nation above Webbers Falls, and sometimes in Fort Smith and sometimes in Van Buren and sometimes over in the Cherokee and sometimes I never knowed where she was.
Q Where has she made her home? A For the last four or five years she has made her home down here on a colored man's place by the name of McDonald, the first time she started to make her home on the place of Payne, her son-in-law, and she left there and went to McDaniels Place and she is living there now.

By W.W.Hastings:

Q Where did you see her in 1870? A Fort Smith.

Q You never saw her in the Cherokee Nation? A Yes, I have.

Q I mean when was the first time you saw her in the Cherokee Nation after the war? A I saw her in 1880.

Q I mean after the war? A Oh, I have seen her several times after the war.

Q Well, tell me the first time after the war? A I don't know, I don't know anything about it.

Rachel Baker, the Applicant, re-called, testified as follows:

Examination by W.W.Hastings:

Q You testified for this same man Vann didn't you? A Yes, sir.

Q You testified that you come back here after the war? A I did.

Q You testified in that case that you come down in the river bottom this side of Fort Smith? A Yes, sir.

Q You testified that you come along in a wagon? A Yes, sir.

Q You testified that there were trains running along on the road but you did not ride on them? A No, sir.

Q But they were running on them? A No, sir.

Q But they were running on the road when you came back after the war? A Yes, sir.

Q You are positive of that? A Yes, sir.

Q But you come in the wagons? A Yes, sir.

Q Near what town did you locate down there? A I think, I don't know whether it was in the Choctaw or Cherokee, but it was close down on the river.

Q Well, your trading point? Wherever we could.

Q What was the town you went to trade at first? A Fort Smith I reckon.

Q Send and get a little something? A Yes, sir.

Q How far did you live from Muldrow? A Seven or eight miles.

Q When you first came? A I think they called it seven or eight miles.

Q Who was keeping a store? A I don't know, I never go to Muldrow to trade, I have been to Muldrow but I don't know whether I ever went to Muldrow to trade in that day and time or not.

Q But you heard of the town? A Yes, sir.

Q But you didn't go up there? A No, sir.

Q You knew that there was a town by that name? A Yes, sir, I know that there was a town and they called it by that name.

By Commissioner Breckinridge:

Q Do you remember your mother? A No, sir.

Q Do you remember your father? A No, sir, I don't know anything about my father, unless this Baker was my father; that is what he always told me.

Q Was Jim Baker a Cherokee? A Yes, sir, uncle George Vann he says he is half Cherokee.

Q And what is the other half? A Negro I reckon.

Q But you don't know about that? A It is hard for me to say.

Q You don't know whether you are really a Cherokee or colored person? A I am Cherokee; that is what I always thought; that is what Jim Baker always told me, that is how I happened to know I was there. That has been a long time, they never taught me anything only to just go and do.

Q Did Baker ever tell you that your mother was a Cherokee? A No, sir

Q Did he call you a Cherokee? A Yes, sir, I never seen my mother; if I did I never knowed it.

Q Well, you are an honest good old woman, but it is very hard to fix what your status is? A I can't help it, for I was not taught anything, I always thought I ought to have something.

By W.W.Hastings:

Q You never did apply at any time for any enrollment?
A No, sir.
Q You have lived here all your life and never did ask for any enrollment? A I never did know where to go.

George W. Vanny recalled, further testified:
Examination by Commissioner Breckinridge:
Q Did you know that this woman was married to one George Baker?
A No, sir.
Q Did you know that they did live together as man and wife?
A Yes, sir: I have seen them sleep together and get up out of bed.
Q You know that they lived together as husband and wife, and they claimed to be husband and wife? A Yes, sir.
Q Did she go by his name? A Yes, sir.
Q And they lived that way a good many years did they, as far as you know? A As far as I know.
Q You say you have known them pretty much all your life?
A They would leave and come back and stay here some months.
Q And ~~xxxx~~ come back and they would be living together as husband and wife? A Yes, sir, he was sick and they would be together.
Q Did you ever know her and any other man to live as husband and wife? A Never did.
Q As far as you know then, she has lived as the wife of this man, George Baker, and with no other man until his death? A I never seed any other man with her in my life.

Rachel Baker, the Applicant, recalled, testified as follows:
Examination by John F. Faulds:
Q Where were your children born? A Some of them was born here and some of them born out and one died on the road traveling, I don't know anything about it.
By Commissioner Breckinridge:
Q How many children have you? A I have got ten.
Q Where was your child Lizzie Baker born, in the Cherokee Nation?
A Yes, sir, she was born in the Cherokee Nation.
Q Where was your oldest child born? A He was born on the road.
Q In what Nation or State? A I reckon it must be near on the line coming back here.
Q On the Arkansas line? A Yes, sir, I was coming back.
Q Were any of your children born in Arkansas? A No, sir, just got along on the, just coming along in a hurry.
Q I am trying to find out whether they were born in the Cherokee Nation or outside of the Cherokee Nation? A There was one that was born outside and that is the one that died.
Q Where was that child born? A Born there in Arkansas.
Q What was the name of that child? A I can't tell you.
Q About what year was that child born? A (No response.)
Q Was your husband, George Baker, a colored man? A Yes, sir, Indian looking man.

Commissioner Breckinridge: The applicant applies for the enrollment of herself and one child. Her marriage to one George Baker is reasonably established. She appears to have lived with him as his wife for many years and the child for whom she applies is the youngest child of that marriage. The applicant states that she has lived in the Cherokee Nation since she was a child except a brief absence during the war and that she has never at any time applied for enrollment and she is not identified upon the roll of 1880 or upon the Kerns-Clifton roll, nor upon t e census roll of 1896, and her child, Lizzie Baker, is not identified upon either of the latter rolls. It is evidence that the applicant was not a slave. Her life has been of an unsettled

nature and there is no ground, at least at present, that seems to afford any right to enrollment at this time. The application for her enrollment and for that of her child will be placed upon a rejected card, both of them being listed as Cherokee Freedmen, though it is doubtful whether the applicant through her mother is of African origin or of Indian origin. The applicant's husband is said to have been dead a number of years.

****

J. G. Rosson, being first duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, J. G. Rosson.

Subscribed and sworn to before me this the 24th day of April, 1901.

Signed, C. R. Breckinridge,
Commissioner.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes, he has made the foregoing a true copy from the original.

Bruce C. Jones

Sworn to and subscribed before me this the 24th of April, 1901.

C. R. Breckinridge
Commissioner.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Rachel Baker et al., as Cherokee freedmen, consolidating the applications of:

Rachel Baker et al	Cherokee	Freedmen	R 57
Diannah Piggies et al	"	"	R 59
Lucinda Warren et al	"	"	R 64
Aggie McGinnis et al	"	"	R 65
Amanda Counts et al	"	"	R 174

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by, Rachel Baker for herself and her minor daughter, Lizzie Baker; by Diannah Piggies for herself and her minor children, Edgar, William L., Bessy and Wileen Piggies; by Lucinda Warren for herself and her minor children, Samuel, George, Henry, Jennie L. and Dina Warren; by Aggie McGinnis for herself and her minor children, Aurilla, Daniel, Mackey, Lucinda, Rachel, Granville and Sylvester McGinnis, and by Amanda Counts for herself and her minor son, Alphonso Counts.

The evidence shows that Rachel Baker is the mother of the principal applicants hereinbefore mentioned, and was not the slave of a Cherokee citizen or a free colored person, residing in the Cherokee Nation at the commencement of the rebellion. It is further shown that the said Rachel Baker removed from the Cherokee Nation during the rebellion and did not return thereto within the time specified in the decree of the Court of Claims rendered on February 5, 1866, in the case of Moses Whitmire, trustee, etc., versus the Cherokee Nation et al., for the return of freedmen to said Nation. The principal applicants in these several cases were born subsequent to 1866 and can possess no rights not acquired by their said mother, Rachel Baker, and their several minor children, applicants herein, acquire no rights as Cherokee freedmen not possessed by their said respective mothers.

Neither the said Rachel Baker, mother of, nor any of the principal applicants herein, then living, are identified on the Cherokee authenticated roll of 1880.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Rachel Baker, Lizzie Baker, Diannah Piggice, Edgar Piggice, William L. Piggice, Bossy Piggice, Wilson Piggice, Lucinda Warren, Samuel Warren, George Warren, Henry Warren, Jennie La Warren, Dina Warren, Annie McGinnis, Aurilia McGinnis, Daniel McGinnis, Mackey McGinnis, Lucinda McGinnis, Rachel McGinnis, Granville McGinnis, Sylvester McGinnis, Amanda Counts and Alphonso Counts as Cherokee freedmen should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

_____
Chairman.

_____
Commissioner.

_____
Commissioner.

_____
Commissioner.

Dated at Muskogee, Indian Territory,

this _____

Cherokee P-69

Muskogee, Indian Territory, March 14, 1902.

Mrs. Diannah Piggies,

Benge, Indian Territory,

Dear Madam:-

When you applied to this Commission for enrollment as a Cherokee Freedman you gave your name as Diana Pigee, while it is noticed in the affidavit which you sign as to the birth of your child Levi Wilson Pigee your name appears in the body of the affidavit as Dina Pidece and you sign your name as Diannah Piggies.

Will you please advise the Commission as to your correct name and how you desire to be listed for enrollment as a Cherokee Freedman. Please give this matter your prompt attention.

Yours truly,

Commissioner in Charge.

COPY.

Cherokee Freedmen
R 59

Muskogee, Indian Territory, May 3, 1904.

Diannah Piggice,

Benge, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself and your minor children, Edgar, William L., Bobby and Wilson Piggice, as Cherokee freedmen, together with a copy of the Commission's decision dated April 20, 1904, in the consolidated case of Rachel Baker, et al., rejecting, among others, your said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.

Chairman.

Encl. V-51
Register.

Cherokee Freedmen
R 87, et al.

Muskogee, Indian Territory, May 5, 1904.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 30, 1904, in the consolidated case of Rachel Baker, et al., rejecting the applications for the enrollment of Rachel and Lizzie Baker, Dismuh, Wiger, William L., Bessy and Wilson Piggins, Lucinda, Samuel, George, Henry, Jennie L. and Dina Warren, Aggie, Aurilla, Daniel, Hackey, Lucinda, Rachel, Granville and Sylvester McGinnis, and Amanda and Alphonso Counts as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby

Chairman.

Encl. V-85

COPY.

Cherokee Freedmen
R 87, et al.

Muskogee, Indian Territory, May 3, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith inclosed the record of proceedings had in the consolidated case of Rachel Baker, et al., including the Commission's decision dated April 20, 1904, rejecting the applications for the enrollment of Rachel and Lizzie Baker, Dianneh, Edgar, William L., Bessy and Wilson Piggies, Lucinda, Samuel, George, Henry, Jennie L. and Dina Warren, Aggie, Aurilla, Daniel, Mackey, Lucinda, Rachel, Granville and Sylvester McGinnis, and Amanda and Alphonso Counts as Cherokee freedmen.

Respectfully,

Chairman.

Encl. V-86

Through the
Commissioner of Indian Affairs.

(COPY)

3 Enclos. -Copy-

Refer in reply
to the following:
Land.
30804-1904.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, Sept. 17, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated May 3, 1904 transmitting the record of the consolidated applications for enrollment as Cherokee freedmen, by Rachel Baker for herself and her minor daughter, Lizzie Baker; by Diannah Piggice for herself and her minor children, Edgar, William C. Bessy and Wilson Piggice; by Lucinda Warren for herself and her minor children, Samuel, George, Henry, Jennie L., and Dina Warren; by Aggie McGinnis for herself and her minor children, Aurilla, Daniel, Mackey, Lucinda, Rachel, Granville and Sylvester McGinnis and by Amanda Counts for herself and her minor,son, Alphonso Counts.

April 20, 1904, the Commission decided adversely to the applicants.

The record shows that Rachel Baker is the mother or grandmother of all of the other applicants who were all born since 1866 and possess no title to enrollment except such as may be derived from her.

It is further shown that Rachel Baker was not the

slave of a Cherokee citizen, or a free colored person residing in the Cherokee Nation at the beginning of the war of the rebellion, and that she did not return to the Cherokee Nation on or before February 11, 1867.

None of the applicants is identified on any roll pertaining to the Cherokee Nation.

The petition for rehearing filed by the applicants has been duly considered.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

A.C. Tonner
Acting Commissioner

M.M.M.
L.

(C O P Y)

D. C. 37732-1904
I.T.D. 7584-1904

W.C.P.
WHR
J.P

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

OCTOBER 1, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

May 3, 1904, you transmitted the record in the consolidated Cherokee freedman case of Rachel Baker, et al (W.R. 87), including your decision of April 20, 1904, rejecting the applicants.

The Department has duly considered a motion for rehearing filed by the applicants.

Reporting in the matter September 17, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully

(Signed) Thos Ryan
Acting Secretary

1 inclosure.

COPY.

Cherokee Freedmen
R-69

Muskogee, Indian Territory, October 26, 1904.

Diannah Piggiee,

Benge, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision, dated April 20, 1904, rejecting, among others, the application for the enrollment of yourself, and minor children, Edgar, William L., Bossy and Wilson Piggiee, as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 1, 1904.

Respectfully,

[illegible]
Chairman.

COPY.

Cherokee Freedmen
R-87 et al.

Muskogee, Indian Territory, October 26, 1904.

Bell, Hastings and Davenport,
Attorneys for Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision, dated April 20, 1904, rejecting the applications for the enrollment of Rachel and Lizzie Baker, Diannah, Edgar, William L., Bessy and Wilson Piggies, Lucinda, Samuel, George, Henry, Jennie L., and Dina Warren, Aggie, Aurilla, Daniel, Mackey, Lucinda, Rachel, Granville and Sylvester McGinnis, and Amanda and Alphenso Counts as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 1, 1904.

Respectfully,

Tams Bixby.
Chairman.

Cherokee Freedman
R 59.

Muskogee, Indian Territory, August 29, 1906.

Dianah Piggees,

Rossland, Indian Territory.

Dear Madam:

This office is in receipt by reference of the Secretary of the Interior of your letter of July 30, asking for information relative to your Cherokee freedman case. You state that you have evidence to establish your right to enrollment and ask if you cannot furnish the same.

In reply you are advised the records of this office show that your application for the enrollment of yourself and minor children as Cherokee freedman was denied by the Commission to the Five Civilized Tribes, and its action approved by the Secretary of the Interior on October 1, 1904. The decision of the Secretary of the Interior in citizenship cases is final. There is quoted you the following provision of the Act of Congress approved April 26, 1906 (Public No. 129):

> . . . and no motion to reopen or reconsider any citizenship case, in any of said tribes, shall be entertained unless filed with the Commissioner to the Five Civilized Tribes within sixty days after the date of the order or decision sought to be reconsidered, except as to decisions made prior to the passage of this Act, in which cases such motion shall be made within sixty days after the passage of this Act. . . .

It does not appear that under the provision of law quoted above that this office or the Department has any authority to further consider your case.

Respectfully,

M.A.

Acting Commissioner.

Cherokee Freedmen
R 59

Muskogee, Indian Territory, September 20,1906

Dinnah Piggee,

Roland, Indian Territory.

Dear Madam:

In reply to your letter of September 5, in further reference to your Cherokee freedmen enrollment case, you are advised that under the provisions of the Act of Congress approved April 26, 1906, this office is without authority to entertain a motion for review or rehearing in your case, or in any Cherokee enrollment case wherein a decision was rendered by the Secretary of the Interior prior to April 26, 1906, and in which a motion for rehearing or review was not filed until after the expiration of sixty days from that date.

Respectfully,

L M B

Commissioner

ENROLLMENT DEPT. S.M.D.

Prairie

IN THE MATTER OF THE APPLICATION OF

Liana Riggs, et al

FOR ENROLLMENT AS

CHEROKEE FREEDMEN

A. Original testimony, Apl. 20, 1901

B. Mem. of application, Apl. 20, 1901

C. Testimony of April 28th '01 from case of Rachel Baker.

RE

DECISION

April 20. 1904.

ACTION APPROVED BY SECRETARY OF INTERIOR

Oct. 1. 1904.

Copy of testimony filed with Original Papers

See Cherokee Freedmen

Jacket No 57 P 64 P 65

Cher Fr R 60

Cher Fr R 60

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Edmond Campbell as a Cherokee freedman.

Cherokee Freedmen R-60.

FILED
APR 23 1901

ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., April 22, 1901.

In the matter of the application of Edmond Campbell for enrollment as a Cherokee Freedman.

Edmond Campbell, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Edmond Campbell.
Q How old are you? A Well, I was born December 25, 1822.
Q What is your post office? A Tahlequah
Q In what district do you live? A Tahlequah.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you want to enroll anybody besides yourself? A No, sir; I have two children, but they are grown.
Q You want to apply then for just yourself? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A Ever since I was 10 years old.
Q Did you come here with the Cherokees back in old times?
A No, sir.
Q You came here after they did? A Yes, sir, I came afterwards, I was sold to them when I was about 10 years old.
Q You have lived there nearly ever since you can remember, have you?
A Yes, sir.
Q Are you on the rolls of the Cherokee Nation? A I don't know, sir, my wife is on the roll; there has been kind of a squabble about me; you can find my wife's name, she is on that roll as Sophia Campbell; she drawed all along with the Cherokees.
Q Your wife was a Cherokee Freedman, was she? A Yes, sir.
Q When did you and she marry? A We married August 28, 1851.
Q She is dead, is she? A Yes, sir, she died a year and eight months last Friday.
Q Were younever married except to this woman? A No, sir.
Q Was she ever married except to you? A Yes, she had been married before I married.
Q How many times had she been married? A Before me and her married, she married another man and then I married her.
Q You married her after the death of her first husband? A Yes, sir.
Q Did you and she live in the Cherokee Nation all the time from the time you married her in 1851 until she died? A Yes, sir.
Q Were you a slave in old times? A Yes, sir.
Q To whom did you belong? A Arch Campbell raised me.
Q Where did he live? A Lived at Park Hill, 7 miles south of Tahlequah.
Q He owned a lot of slaves? A He owned a few, didn't own a great many; he owned some.
Q When the war came on where did you go? A I went to Fort Scott.
Q Up in Kansas? A Yes, sir.
Q And when the war closed what did you do? A I stayed there till pretty near time peace was declared, and then Mr. Daniel Ross came up there and told me I had better hurry on back here before the treaty was out, and I was sick and couldn't come, and I sent my family down.
Q Your family were there? A Yes, sir, and as soon as I got well I came on and I got here just one day behind, and that is the reason they knocked me out; just one day after the treaty was out.
Q You came back one day too late? A Yes, sir, that is what they against claimed on me.
Q Where were you that day it was too late? A Up here beyond somewhere about Baxter, I don't know just exactly.
Q You just crossed the line one day too late? A Yes, sir; I don't know; they counted when they seen me here at Gibson.
Q They claimed you were at Fort Gibson one day too late? A Yes, sir
Q But had you been some days in the Cherokee Nation before that?

A Yes, sir, I was up here about Baxter.
Q Didn't you explain that to them? A Yes, sir, I told them just how it was.
Q And they still said you were just one day too late? A Yes, sir.
Q And you sure now that they didn't count from the time you crossed the line? A I don't know how they done it; that is the way they had my fixed about the time.
Q That is the way they told you then when you summed up the time with them? A I summed it up with them and it didn't do any good; I explained it to Mr. Keyes here and it didn't do any good and I talked to that man (indicating) about it.
Q You are not on any roll, then, of the Cherokee Nation? A No more than the Wallace roll; I don't know whether they put me on the Kerns roll or not.
~~Q Did you draw money on it, sir.~~
Q You tried to get on it? A Yes, sir.
Q Did you try to get on the roll of 1880? A I tried that but I couldn't get there.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.
The 1896 census roll of Cherokee Freedmen examined, and the applicant not identified thereon.
~~The Kerns-Clifton roll examined, and the applicant not identified thereon.~~

Q You have tried to get on all the rolls, have you? A Yes, sir.
Q Did you ever draw any money? A I drawed on the Wallace roll and my wife drawed on all the rolls that was made.

The 1880 authenticated roll of Cherokee Freedmen examined, and the applicant's wife, Sophia Campbell, identified thereon, page 744, No. 424, Tahlequah district.
The 1896 census roll of Cherokee Freedmen examined, and the applicant's wife, Sophia Campbell, identified thereon, page 1305, No. 88, Tahlequah district.

Commissioner Breckinridge: The applicant states that he has lived in the Cherokee Nation since many years before the Civil War; that he was a slave belonging to one Arch Campbell; that he went to Kansas during the war; that his wife returned within the time fixed by the treaty of 1866, that he was told that his return, which was subsequent to that of his wife, was one day too late under the terms of the treaty. He claims that he has applied for enrollment whenever they have been making rolls of the Cherokee Nation, but has never been placed on any roll so far as he knows except the thinks he is down on the Wallace roll. He claims to have drawn money on that roll. He is not ide tified on the rolls of 1880 or upon the Kerns-Clifton roll, or upon the census roll of 1896. He states that he and his wife were married in 1851, and have lived together in the Cherokee Nation ever since thier marriage, except the interruption noted during the Civil War, and that he was never previously married; that his wife was once previously married, but that her former husband was dead when she contracted her marriage with him. She is now ~~husb~~ dead something less than two years. She is duly identified on the rolls of 1880 and 1896 as a Cherokee Freedman. Under these conditions, it does not appear that the applicant hasany right to enrollment at this time, and the application for his enrollment is rejected.

Q You never married your wife but once, in 1851? A That is all.
Q Never got out a Cherokee license and married her after you came back from Kansas? A No, sir.

Edmond Campbell - 3.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 22nd of April, 1901.

Commissioner.

B. F. R. 60

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
APR 23 1901

ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date APR 22 1901

Post Office Tahl

District Tahl

1. Name Edmond Campbell Age 79.

Owner's name Arch Campbell Citizenship Cherokee

Year ... Page ... No. ... District ...

Parents:

Father ... Citizenship ...

Mother ... Citizenship ...

2. Name of wife ... Age ...

Owners name ... Citizenship ...

Year ... Page ... No. ... District ...

Parents:

Father ... Citizenship ...

Mother ... Citizenship ...

Names of Children:

3. ... Year ... Page ... No. ... Dist. ...
4. ... Year ... Page ... No. ... Dist. ...
5. ... Year ... Page ... No. ... Dist. ...
6. ... Year ... Page ... No. ... Dist. ...
7. ... Year ... Page ... No. ... Dist. ...
8. ... Year ... Page ... No. ... Dist. ...
9. ... Year ... Page ... No. ... Dist. ...
10. ... Year ... Page ... No. ... Dist. ...
11. ... Year ... Page ... No. ... Dist. ...
12. ... Year ... Page ... No. ... Dist. ...

Application made by No (1) Stenographer Jones B. C

22 "C.F.R 6s

IN RE
THE DEATH OF

Edmond Campbell

a citizen of the

Cherokee Nation.

Approved FEB 25 1904 190—

Commissioner.

FILED
FEB 25 1904
COMMISSION TO FIVE TRIBES.

E. F. R 60

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Edmond Campbell
(Here insert name of deceased.)

a citizen of the Cherokee Nation, who formerly resided at or near Tahlequah, Ind. Ter., and died on the 5th day of
(Here insert name of postoffice)

September, 1901.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Joseph Campbell; on oath state that I am 49.
years of age and a citizen, by adoption, of the Cherokee Nation;
that my post office address is Tahlequah, Ind. Ter.; that I am
(Here insert name of post office.)
the Son of Edmond Campbell,
(State relationship as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)
who was a citizen, by adoption, of the Cherokee Nation;
and that said Edmond Campbell died on the 5th day of
(Here insert name of deceased.)
September, 1901.

Joseph Campbell

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 22nd day of February 1904.

[redacted]

Wm. T. Rossman
Notary Public.

COMMISSION EXPIRES APRIL 23, 1905. (3rd term)

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Edmond Ross, on oath state that I am 38.
years of age, and a citizen, by adoption, of the Cherokee Nation;
that my post office address is Tahlequah Ind. Ter.;
(Here insert name of post office.)
that I was personally acquainted with Edmond Campbell
(Here insert name of deceased.)
who was a citizen, by adoption, of the Cherokee Nation;
and that said Edmond Campbell died on the 5th day of
(Here insert name of deceased.)
September, 1901.

Edmond Ross

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 22nd day of February 1904.

[redacted]

Wm. T. Rossman
Notary Public.

COMMISSION EXPIRES APRIL 23, 1905. (3rd term)

Cherokee Freedmen R-60

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Edmond Campbell as a Cherokee freedman.

ORDER OF DISMISSAL.

The record in this case shows that on April 22, 1901, Edmond Campbell appeared before the Commission at Fort Gibson, Indian Territory, and made application for enrollment as a Cherokee freedman.

The evidence shows that Edmond Campbell died on September 5, 1901. An affidavit to that effect is filed with and made a part of the record herein.

Section twenty-five of the act of Congress approved July 1, 1902 (32 Stats., 716), provides:

"The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized Tribes."

It is, therefore, ordered by this Commission that the application for the enrollment of Edmond Campbell as a Cherokee freedman be, and the same is, hereby dismissed, under the provisions of law above quoted.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Dated at Muskogee, I. T.,
this APR 29 1904

Cherokee Freedmen
R 60

Muskogee, Indian Territory, February 18, 1904.

Joseph Campbell,

Tahlequah, Indian Territory.

Dear Sir:

The Commission is in receipt of information to the effect that Edmond Campbell, listed for enrollment on Cherokee Freedmen Card R 60, has died since his application for enrollment. There is inclosed herewith a blank form of death affidavit, and if the Commission's information is correct you are requested to have same properly executed and forward to the Commission in the inclosed return penalty envelope.

Respectfully,

Commissioner in Charge.

Encl. V-64

mdg

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
WM. O. BEALL,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
R-60.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 29, 1904.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, dismissing the application for the enrollment of Edmond Campbell as a Cherokee freedman, he having died on September 5, 1901.

Respectfully,

Chairman.

Enc. D-27.

Cherokee Freedmen
R-60.

Muskogee, Indian Territory, April 29, 1904.

Joseph Campbell,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, dismissing the application for the enrollment of your father, Edmond Campbell, as a Cherokee freedman, he having died on September 5, 1901.

Respectfully,

Chairman.

Enc. D-29.

Register.

Cher Fr R 61

Cher Fr R 61

FILED
JUN 23 1901
COMMISSIONER OF THE GENERAL LAND OFFICE

Department of the Interior,
Commission to the Five Civilized Tribes
Fort Gibson, I. T. April, 23d, 1901.

In the matter of the application of Sallie D. Williams for enrollment as a Cherokee Freedman; she being sworn by Commissioner C. R. Breckinridge, testified as follows:

Q What is your name? A. Sallie D. Williams.
Q How old are you? A. 49.
Q What is your post office address? A. Fort Gibson.
Q In what district do you live? A. Illinois.
Q Do you want to be enrolled as a Cherokee Freedman? A. I came here to leave that to you.
Q Well you make make application to be enrolled as a Cherokee Freedman dont you? A. Yes sir.
Q Who do you want to have enrolled besides yourself? A. Just myself.
Q How long have you lived in the Cherokee Nation? A. 6 or 7 years.
Q Where were you born? A Greenville, Tennessee.
Q You lived there did you, up till 6 or 7 years ago? A. No sir.
Q Have you ever lived in the Cherokee Nation up to 6 or 7 years ago?
A No sir.
Q Give me your fathers name? A. Ellis Carter.
Q Is he dead? A. I cannot tell you.
Q Give me your mothers name? A. Eliza Arnold
Q Is she dead? A. I cannot tell you ~~know~~ that.
Q Are you on any of the rolls of the Cherokee Nation? A. No sir.
Q Never have applied to be admitted to citizenship? A. No sir.

By Com'r Breckinridge,- The applicant states that she was never in the Cherokee Nation until 6 or 7 years ago, and she is not upon any of the rolls of the Cherokee Nation, nor has she ever before applied to be enrolled upon any of he rolls of the Cherokee Nation. She is now 49 years of age and a native of Greenville, Tennessee, and was never in the Cherokee Nation until 6 or 7 years ago. There is shown no grounds upon which she can obtain enrollment at this time, and her application at this time for enrollment as a Cherokee Freedman is therefore refused and she will be rejected.

= = = = = = = = = = =

Chas. von Weise, beings sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all the proceedings in the above cause and that the foregoing is a full true and correct transcript of his stenographic notes therein.

Chas von Weise

Subscribed and sworn to before me this the 23rd of April, 1901, at Fort Gibson, I. T.

Commissioner.

B. J. R. 61

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

APR 22 1901

ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date APR 22 1901

Post Office Fort Gibson

District Illinois

1. Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

2. Name of wife Sallie D Williams Age 49

Owners name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father Ellis Carter Citizenship Col

Mother Eliza Arnold Citizenship Col

Names of Children:

3. ..... Year ..... Page ..... No. ..... Dist. .....

4. ..... Year ..... Page ..... No. ..... Dist. .....

5. ..... Year ..... Page ..... No. ..... Dist. .....

6. ..... Year ..... Page ..... No. ..... Dist. .....

7. ..... Year ..... Page ..... No. ..... Dist. .....

8. ..... Year ..... Page ..... No. ..... Dist. .....

9. ..... Year ..... Page ..... No. ..... Dist. .....

10. ..... Year ..... Page ..... No. ..... Dist. .....

11. ..... Year ..... Page ..... No. ..... Dist. .....

12. ..... Year ..... Page ..... No. ..... Dist. .....

Application made by Jno W Stenographer Van Weiss

Cherokee Freedmen R-61.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Sallie D. Williams as a Cherokee freedman.

D E C I S I O N.

The record in this case shows that on April 22, 1901, Sallie D. Williams appeared before the Commission at Fort Gibson, Indian Territory, and made application for the enrollment of herself as a Cherokee freedman.

The evidence shows that Sallie D. Williams was not the slave of a Cherokee citizen nor a free colored person residing in the Cherokee Nation at the commencement of the rebellion. The name of said Sallie D. Williams does not appear upon the Cherokee authenticated roll of 1880.

It is, therefore, the opinion of this Commission that the application for the enrollment of Sallie D. Williams as a Cherokee freedman should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,
this APR 20 1901

1109

COMMISSIONERS
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.
WM. O. BEALL, SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen
R-61.

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 30, 1904.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, rejecting the application for the enrollment of Sallie D. Williams as a Cherokee freedman.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Encl. D-44

COPY

Cherokee Freedmen
R-61.

Muskogee, Indian Territory, April 30, 1904.

The Honorable,
The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Sallie D. Williams as a Cherokee freedman, including the Commission's decision dated April 20, 1904, rejecting said application.

Respectfully,

Chairman.

Enc. D-45

Through the Commissioner of Indian Affairs.

Cherokee Freedmen
R-61.

Muskogee, Indian Territory, April 30, 1904.

Sallie D. Williams,

For~~t~~ Gibson, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for enrollment as a Cherokee freedman, together with a copy of the Commission's decision dated April 20, 1904, rejecting your said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Register

Enc. D-43.

Refer in reply
to the following:
Land.
30077-1904.

(COPY)

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, June 8, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated April 30, 1904, transmitting for your consideration the application of Sallie D.Williams for enrollment as a Cherokee Freedman.

April 20, 1904, the Commission rejected the applicant.

It appears from the record that Sallie D. Williams, did, on April 22nd, 1901, at Fort Gibson, I. T., appear before the Commission and make application for enrollment as a Cherokee Freedman.

The evidence shows that she was not the slave of a Cherokee citizen at the commencement of the war of the rebellion; that she never resided in the Nation until six or seven years before the date of her application.

It is therefore recommended that the action of the Commission rejecting said applicant, Sallie D. Williams, be sustained.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

J.R.N.

W.

D.C. 21472-1904. (COPY) W.C.F. J.P. FHK

DEPARTMENT OF THE INTERIOR,

I.T.D. 4728-1904. WASHINGTON. June 21, 1904.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

April 30, 1904, you transmitted the record in the matter of the application for the enrollment of Sallie D. Williams as a Cherokee freedman, including your decision of April 20, 1903, rejecting said application.

Reporting June 8, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is enclosed herewith.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully ,

(Signed) E. A. Hitchcock,

Secretary.

1 inclosure.

MDG

COMMISSIONERS
TAMS BIXBY
THOMAS B NEEDLES
C R BRECKINRIDGE
WM O BEALL
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen
R 61

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, June 30, 1904.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated April 30, 1904, rejecting the application for the enrollment of Sallie D. Williams as a Cherokee freedman, was affirmed by the Secretary of the Interior on June 21, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
R 61

Muskogee, Indian Territory, June 30, 1904.

Sallie D. William,

Fort Gibson, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated April 20, 1904, rejecting your application for the enrollment of yourself as a Cherokee freedman, was affirmed by the Secretary of the Interior on June 21, 1904.

Respectfully,

Commissioner in Charge.

Cher Fr R 62

Susan Tarlin et al X

Q Ar [illegible] A Yes sir, all of them

Q Was all [illegible] sir.

1880 a [illegible] examined [illegible]

1890 census will [illegible] examined [illegible]

Q Did you [illegible] A Yes sir.
Q You are not [illegible] but I never could find them when [illegible] payment came.
Q That is [illegible] A Yes sir.
[illegible] A Yes sir.
Q Did you try [illegible]
A Yes sir, I tried to [illegible]
Q Did you have [illegible]
A Yes sir, never [illegible]

[illegible] and applicant's children [illegible]

[illegible] will of citizens [illegible] examined [illegible]

[illegible] page:
[illegible] to the [illegible] child or [illegible] applicant, [illegible] [illegible] [illegible]

REJECTED, as to two children, Elizabeth and Calvin Blue;
DOUBTFUL, as to applicant.

Department of the Interior,
Commission to the Five Civilized Tribes,
Ft. Gibson, I.T., April 23,1901.

In the matter of the application of Susan Harlin for the enrollment of herself and two children as Cherokee Freedmen; being sworn and examined by Commissioner Breckinridge, she testified as follows:

Q Give me your full name? A Susan Harlin.
Q That is your name at the present time? A Yes sir.
Q How old are you? A 49.
Q What is your post-office address? A Melvin.
Q In what district do you live? A Tahlequah.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir.
Q You want to enroll anybody besides yourself? A I have two children.
Q How long have you lived in the Cherokee Nation? A I have lived here all my life, until just before the war I was taken out.
Q You were a slave before the war? A Yes sir.
Q To whom did you belong? A Bill Brewer's father.
Q William Brewer was your master? A Yes sir, youngmaster, the old man was John Brewer.
Q Did you belong to William Brewer or John Brewer? A John Brewer. Bill Brewer was his son.
Q John Brewer dead? A Yes sir.
Q Did he die after the war? A Yes sir.
Q Is William Brewer dead? A No sir.
Q Where is he living? A Across Grand River.
Q How far from here? A About four miles I guess.
Q You were taken out of the Cherokee Nation during the war? A Yes sir.
Q Where were you taken? A To the Chickasaw Nation.
Q You didn't go beyond the Chickasaw Nation? A No sir.
Q When did you come back to the Cherokee Nation? A I have been back about 12 years.
Q Where have you been living all that time? A Out here on 14 mile Creek.
Q I mean before you came back? A In the Chickasaw Nation.
Q Were you ever enrolled down there in the Chickasaw Nation? A No sir.
Q Did you ever apply for enrollment? A No sir, they didn't have any enrollment when I was there in the Chickasaw Nation.
Q Give me the name of your father? A Sam Brewer.
Q Is he dead? A No sir.
Q Where is your father living? A On Fourteen Mile Creek is his home; his wife is a Chickasaw citizen and he want to have her enrolled.
Q That isn't your mother? A No sir, my mother died before the war.
Q This is your step-mother? A Yes sir.
Q When did your father marry your step-mother? A About 16 years ago.
Q Give me the name of your own mother? A Sallie Brewer.
Q She died early in the war, oralong there, did she? A Yes sir.
Q You have been married have you? A Yes sir.
Q How many times? A Twice.
Q Give me the name of your first husband? A Tim Blue.
Q Where did you marry him? A In the Chickasaw Nation.
Q Is he dead? A Yes sir.
Q Was he a Chickasaw Freedman? A Yes sir.
Q Well you have married again? A Yes sir.
Q Give me the name of your second husband? A Bass Harlin.
Q Where did you marry him? A In Tahlequah District.
Q When did you marry Bass Harlin? A Seven years ago.
Q Did you marry him after Tim Blue was dead? A Yes sir.
Q Is Bass Harlin alive now? A Yes sir.
Q Does he claim to be a Cherokee Freedman? A Yes sir.

Q Did you live with Tim Blue in the Chickasaw Nation until she died? A Yes sir.
Q How many children did you and Tim Blue have? A Three.
Q You only had three children? A Just three.
Q There were three born to you by Tim Blue? A Yes sir.
Q That's all that were born of that marriage? A Yes sir.
Q All born in the Chickasaw Nation? A Yes sir.
Q Are any of them living now? A All of them.
Q Are they enrolled Chickasaws? A No sir, I have enrolled them on every roll except the 1880 roll.
Q You enrolled them as Cherokees? A Yes sir.
Q How many children have you by Bass Harlin? A Just one.
Q Give me the names of these children you want to apply for, the two? A Elizabeth Blue.
Q How old is that child? A 16.
Q Give me the name of the next child? A Calvin Blue.
Q How old is that child? A 13.
Q They are both living now? A Yes sir.
Q These children were both born in the Chickasaw Nation? A Yes sir.
Q Did you bring them with you when you came here 12 years ago? A Yes sir.
Q Have they lived with you in the Cherokee Nation ever since you came here 12 years ago? A Yes sir.
Q How did you happen to come back to the Cherokee Nation? A I heard that everybody had to go back to the Cherokee Nation; when I got word that they had to come back, I fixed up and come back.
Q 12 years ago? A Yes sir.
Q Was your father living back here? A Yes sir, he was living back and forth until he married.
Q Have you got anybody here who knows that you are married to Bass Harlin? A Yes sir.

JENETTA HARLIN, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q What is your full name? A Jenetta Harlin.
Q How old are you? A 24
Q What is your post-office? A Melvin.
Q You know this woman here? A Yes sir.
Q How long have you known her? A All my life, I guess; ever since I have been big enough to know her.
Q She married to a man named Bass Harlin? A Yes sir.
Q He any kin to you? A No sir.
Q What was her name when she married Bass Harlin? A ~~[illegible]~~ Susan Blue.
Q About how long since she married Bass Harlin? A I couldn't tell exactly how long.
Q Been some years has it? A Yes sir.
Q You say you have known her all her life? A Yes sir.
Q Where did you know her? A In the Chickasaw Nation.
Q You have been living in the Cherokee Nation since she has been living here? A Yes sir, come with her.
Q About how long ago was that? A It has been 12 years this coming May.

APPLICANT, Susan Harlin, re-called, and further examined By Commissioner Breckinridge, testified:

Q Was Bass Harlin ever married except to you? A Yes sir, once to my knowing.
Q That's all you know of? A Yes sir.
Q What was the name of his first wife? A Violet Harlin.
Q Was she dead when Bass Harlin married you? A Yes sir.
Q Bass Harlin has children that were born before you married him? A Yes sir.

Q Are these children said to be of one mother? A Yes sir, all of them.
Q They all speak of just one marriage? A Yes sir.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not identified thereon.

1896 census roll of citizens of the Cherokee Nation examined and name of applicant not identified thereon.

Q Did you draw Cherokee Strip money? A No sir.
Q You are not on any Cherokee roll? A I registered on every one but I never could find them when the payment come.
Q That is you tried to get on them? A Yes sir.
Q But so far as you know, you never did get on? A No sir.
Q Did you try to get your children on, Elizabeth and Calvin Blue?
A Yes sir, I tried to get them on by my master's name, Brewer.
Q Did you have the same trouble about them you had about yourself?
A Yes sir, never did get them on.

1896 census roll of citizens of the Cherokee Nation examined and applicant's children not identified thereon.

Kerns-Clifton pay roll of citizens of the Cherokee Nation examined and applicants' names not identified thereon.

Com'r Breckinridge: The applicant applies for the enrollment of herself and two children; she is shown to have lived in the Chickasaw Nation from some period during the Civil war until 12 years ago; there she married her first husband and there the two children for whom she makes application were born; her first husband and the father of these children being, as she states, a Chickasaw Freedman; but the applicant, after the death of her first husband came some 12 years ago to the Cherokee Nation, and married her present husband, Bass Harlin, who has been regularly enrolled as a Cherokee Freedman, and who it seems was married once before this marriage, but whose former wife was dead when he and the present applicant married. The marriage is established by satisfactory personnal testimony; she will now be listed for enrollment as a Cherokee Freedman by intermarriage, on a doubtful card.

The two children, Elizabeth and Calvin Blue, appear to have no right whatever to enrollment; their mother having, as stated, gone to the Chickasaw Nation during the war, and staid there until after their birth; they are not identified upon any roll; their mother is not, and the application for the enrollment of these two children is rejected.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this April 23, 1901.

C C Breckinridge

Commissioner.

B. F. B. 62.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 28 1901

ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date April 23d 1901

Post Office Melvin I.T.

District Tahlequah

1. Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

2. Name of wife ..... Age .....

Owners name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

Names of Children:

1. Elizabeth Blue Year ..... Page ..... No. ..... Dist. 16
2. Adrian Blue Year ..... Page ..... No. ..... Dist. 13
3. Year ..... Page ..... No. ..... Dist. .....
4. Year ..... Page ..... No. ..... Dist. .....
5. Year ..... Page ..... No. ..... Dist. .....
6. Year ..... Page ..... No. ..... Dist. .....
7. Year ..... Page ..... No. ..... Dist. .....
8. Year ..... Page ..... No. ..... Dist. .....
9. Year ..... Page ..... No. ..... Dist. .....
10. Year ..... Page ..... No. ..... Dist. .....
11. Year ..... Page ..... No. ..... Dist. .....
12. Year ..... Page ..... No. ..... Dist. .....

Application made by Susan Nash Stenographer M. A. Green

Rejected

Ref.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Susan Harlin et al., as Cherokee freedmen, consolidating the applications of:

Susan Harlin	Cherokee Freedmen D 149
Elizabeth Blue et al	Cherokee Freedmen R 62

D E C I S I O N.

The record herein shows that on April 23, 1901, Susan Harlin appeared before the Commission at Fort Gibson, Indian Territory, and made application for the enrollment of herself and her two minor children, Elizabeth and Calvin Blue, as Cherokee freedmen.

The evidence shows that Susan Harlin was the slave of a Cherokee citizen at the commencement of the rebellion; that she was taken out of the Cherokee Nation during said rebellion and did not return thereto until after February 11, 1867. The evidence further shows that her minor children were born subsequent to the last mentioned date and can acquire no rights not possessed by their said mother. The said Susan Harlin is not identified on the Cherokee authenticated roll of 1880.

It is, therefore, the opinion of this Commission that the application for the enrollment of Susan Harlin, Elizabeth Blue and Calvin Blue as Cherokee freedmen should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED

Chairman.

Commissioner.

Commissioner.

Commissioner.

Dated at Muskogee, I. T.,
this APR 2 1901

Cherokee Freedmen
D-149 & R-62.

Muskogee, Indian Territory, May 4, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Susan Harlin et al., including the Commission's decision dated April 20, 1904, rejecting the applications for the enrollment of Susan Harlin, Elizabeth and Calvin Blue as Cherokee freedmen.

Respectfully,

Tams Bixby

Chairman.

Through the
Commissioner of Indian Affairs.

Enc. D-155.

Cherokee Freedmen
D-149, & R-62.

Muskogee, Indian Territory, May 4, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, in the consolidated case of Susan Harlin et al., rejecting the application for the enrollment of Susan Harlin, Elizabeth and Calvin Blue as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Enc. D-154.

Cherokee Freedmen
D-149 & R-62.

Muskogee, Indian Territory, May 4, 1904.

Susan Harlin,

Melvin, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself and your two children, Elizabeth and Calvin Blue, as Cherokee freedmen, together with a copy of the Commission's decision dated April 20, 1904, rejecting said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Register

Chairman.

Enc. D-153.

C O P Y.

Land 30820-1904. -2

Department of the Interior,
Office of Indian Affairs,
Washington, May 18, 1904.

The Honorable,
The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes dated May 4, 1904, transmitting the record of the application of Susan Harlin, et al., for enrollment as Cherokee freedmen.

April 20, 1904, the Commission found that the applicants were not entitled to enrollment as Cherokee freedmen.

The evidence shows that Susan Harlin was the slave of a Cherokee citizen and was taken out of the Cherokee Nation during the war of the rebellion and did not return to the Cherokee Nation until after February 11, 1867. The evidence further shows that the two minor children of the claimant, claimed for, were born subsequent to February 11, 1867, and have no rights not possessed by the claimant. The names of the claimants are not found on the 1880 authenticated roll of the Cherokee Nation.

In view of the record, the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

A. C. Tonner, Acting Commissioner.

M.M.M.
C.

D. C. 17594-1904.

JP WOF PHR

DEPARTMENT OF THE INTERIOR,

I.T.D. 4068-1904. WASHINGTON, May 23, 1904.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

May 4, 1904, you transmitted the case involving the applications for enrollment as Cherokee freedmen of Susan Harlin, Elizabeth Blue and Calvin Blue, including your decision of April 20, 1904, rejecting said applications.

Reporting in the matter May 18, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

Thos Ryan
Acting Secretary

1 inclosure.

Cherokee Freedmen
D-149 & R-62.

Muskogee, Indian Territory, June 1, 1904.

Susan Harlin,

Melvin, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated April 20, 1904, rejecting your application for the enrollment of yourself and your two minor children, Elizabeth and Calvin Blue, as Cherokee freedmen, was affirmed by the Secretary of the Interior on May 23, 1904.

Respectfully,

Chairman.

Cherokee Freedmen
D-149 & R-62.

Muskogee, Indian Territory, June 1, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated April 20, 1904, rejecting the application for the enrollment of Susan Harlin, Elizabeth and Calvin Blue as Cherokee freedmen, was affirmed by the Secretary of the Interior on May 23, 1904.

Respectfully,

Chairman.

(Copy)

Land
4438-1907

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON/

February 15, 1907.

The Honorable,
The Secretary of the Interior.

Sir:

Referring to Department letter of December 1, 1906, I.T.D. 513-1904, there is enclosed a report from the Commissioner to the Five Civilized Tribes, dated January 10, 1907, transmitting the record relative to the application of Sirena P. Shoemake et al., for enrollment as citizens by intermarriage of the Cherokee Nation. The parties to the case are Sirena P. and Elizabeth Shoemake, Charles F. Clark, Chero, Tenny, Laura, Annie and Willis F. Shoemake and William A. Hensley, all of whom apply for enrollment as citizens by intermarriage.

The record in the case shows that Sirena P. Shoemake was married in 1883 to William H. Shoemake, who was not at that time a citizen of the Cherokee Nation but was admitted to citizenship therein in 1888; that Elizabeth Shoemake was married about 1878 to James E. Shoemake, who was not then a citizen but was admitted in 1888; that Charles F. Clark was married in 1888 or 1889 to Delphia Sherriff, a citizen by blood; that Clara Shoemake was married in 1890 to James Shoemake, a

citizen by blood; that Nancy Shoemake was married in 1867 to Warren A. Shoemake, a citizen by blood; that William A. Wensley was married in 1895 to Minnie Shoemake, a citizen by blood; that Laura Shoemake was married in 1867 to Jesse E. Shoemake, a citizen by blood; that Annie Shoemake was married in 1893 to Charles Franklin Shoemake, a citizen by blood; and that Mollie F. Shoemake was married in 1891 to Richard W. Shoemake, a citizen by blood.

The record also shows that all the applicants are white persons, and that none of them claims any right to enrollment in the Cherokee Nation except by virtue of the marriages mentioned. Mr. Bixby says, in his decision, that none of their names is found on the tribal roll of 1880.

Under the decision of the Supreme Court in the case of Daniel Red Bird, et al. vs. the United States (203 U.S., 76), the applicants are not entitled to enrollment, and the approval of the Commissioner's adverse decision of January 10, 1907, is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

GJS-GM

Y.P.

D.C.10517-1907.
I.T.D.3556-1907.
LRS

Direct. DEPARTMENT OF THE INTERIOR, THE
WASHINGTON.

(COPY)

February 19, 1907.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

January 10, 1907, you transmitted the record in the matter of the application for the enrollment of Sirena P. Shoemake, Elizabeth Shoemake, Charles P. Clark, Clara Shoemake, Nancy Shoemake, Laura Shoemake, Annie Shoemake, Mollie P. Shoemake, and William A. Walmsley, as citizens by intermarriage of the Cherokee Nation, including your decision of the same date, denying said application.

Reporting February 15, 1907 (Land 4453-07), the Indian Office recommends that said decision be approved. A copy of its letter is inclosed.

Your decision is hereby affirmed. The papers in the case and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

Thos Ryan,

1 inc. and 2 for Ind. Of. First Assistant Secretary.

A.P.W.
2-20-07.

Cherokee R 62 COPY

Muskogee, Indian Territory, March 11, 1907.

Elizabeth Shoemake,

Webber's Falls, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, denying the application for your enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, February 19, 1907.

Respectfully,

SIGNED Tams Bixby.
Commissioner.

RPI

Cherokee R 65
et al

COPY

Muskogee, Indian Territory, March 11, 1907.

Thomas & Harris,
Attorneys for Sirena P. Shoemake et al.,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, denying the application for the enrollment of Sirena P. Shoemake, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, February 19, 1907.

For your information, there is enclosed herewith a copy of Departmental letter referred to.

Respectfully,

SIGNED Tams Bixby.
Commissioner.

RPI
Enc 1-3

Cherokee R 65
et al.

COPY

Muskogee, Indian Territory, March 11, 1907.

Thomas W. Owen,
Attorney for Sirena P. Shoemake, et al.,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, denying the application for the enrollment of Sirena P. Shoemake, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, February 19, 1907.

For your information, there is enclosed herewith a copy of Departmental letter referred to.

Respectfully,

SIGNED Tams Bixby
Commissioner.

MPI
Enc 1-2

Cherokee R 69
et al.

COPY

Muskogee, Indian Territory, March 11, 1907.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, denying the application for the enrollment of Sirena F. Shoemake, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, February 19, 1907.

For your information, there is enclosed herewith a copy of Departmental letter referred to.

Respectfully,

SIGNED Tams Bixby
Commissioner.

RPI
Enc 1-1

ENROLLMENT REFUSED

IN THE MATTER OF THE APPLICATION OF

Elizabeth Ghee, (dec'd)

FOR ENROLLMENT AS

CHEROKEE FREEDMEN

REFUSED

ACTION APPROVED BY SECRETARY OF INTERIOR.

MAY 23 1904

A. Original testimony Apl. 23 '01

B Mem. of application Apl 23 '01

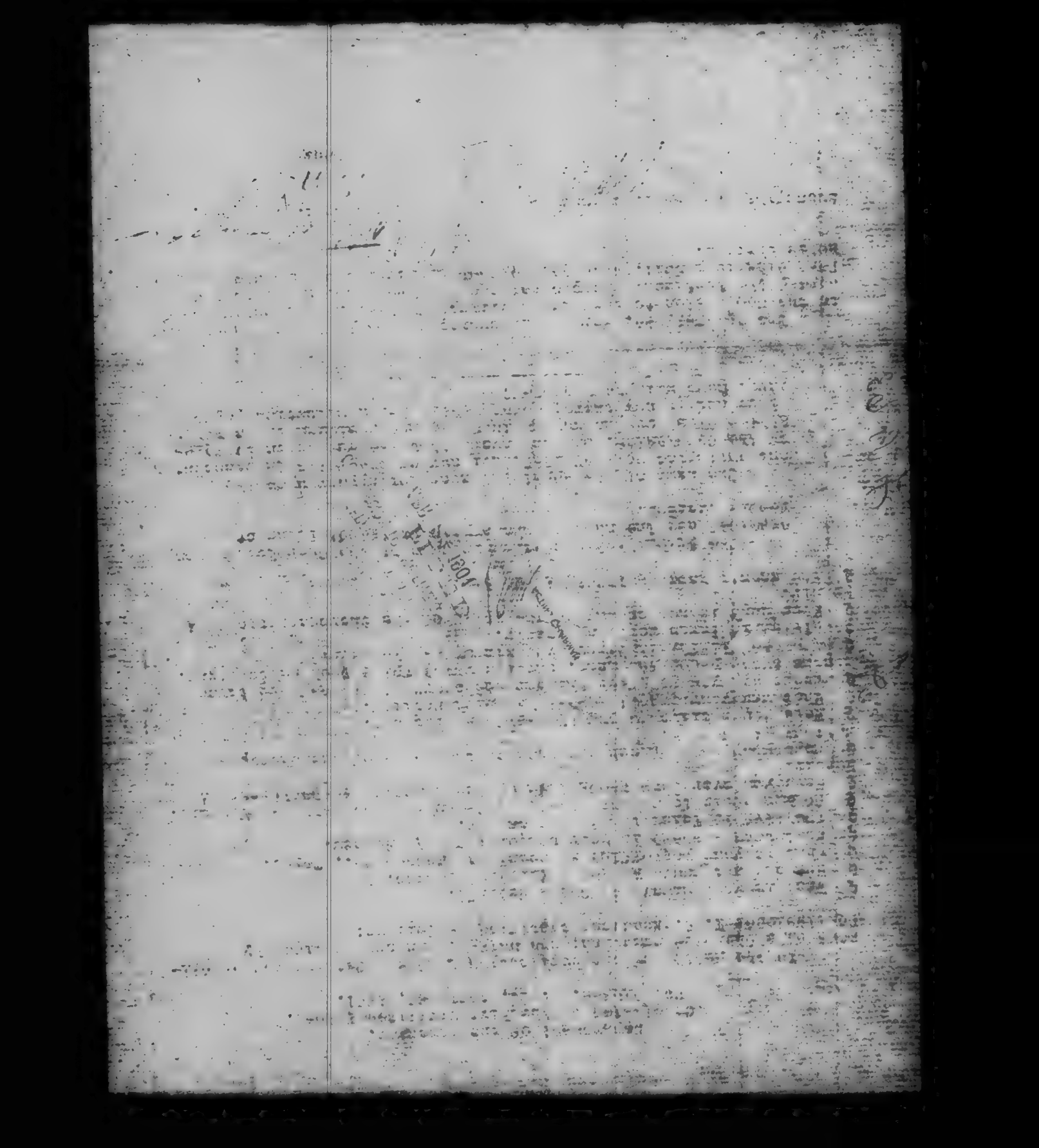
Copy of testimony filed with Choctaw Nation

Ind Cherokee Freedman

Docket 779 R 308

Cher Fr R 63

Cher Fr R 63



Department of the Interior.
Commission to the Five Civilized Tribes.
Ft. Gibson, I. T., April 23, 1901.

In the matter of the application of Susan Ratliff for enrollment as a Cherokee Freedman; she being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Susan Ratliff.
Q How old are you? A About fifty, I reckon.
Q What is your postoffice address? A Fannon Co., Texas.
Q What town - where is your postoffice? A Bonham.
Q You live in Texas then? A Yes sir.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Have you ever been recognized by the Cherokee authorities? A No sir.
Q Does your name appear upon any of the rolls of the Cherokee Nation? A No sir.
Q Were you a slave during the war? A Yes sir.
Q What was your owner's name? A Dick Ratliff.
Q Where did you go after the war was over? A I was here three months after peace was made, and the white folks took me to Texas.
Q You been living in Texas ever since? A Yes sir.
Q Living in Texas now? A Yessir.
Q Your name is not on any of the rolls of the CherokeeNation? A No sir.
Q You wasn't here in 1866? A No sir.

The tribal rolls of the Freedmen of the Cherokee Nation examined and the name of the applicant is not found of record thereon.

The name of the applicant does not appear upon the authenticated roll of 1880, nor any of the rolls in possession of the Commission, and she avers that she was taken to Texas at the close of the war in 1866 and has remained there ever since and is now there; consequently her application for enrollment will be rejected.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

E. Rotheinburger

Subscribed and sworn to before me this 24th day of April, 1901.

T. B. Needles
Commissioner.

B. H. B. 63.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 23 1901

ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date April 23. 1901

Post Office Denham Tex

District ——

1. Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

2. Name of wife Susan Ratliff Age 50

Owners name Dick Ratliff. Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father Rejected Citizenship .....

Mother ..... Citizenship .....

Names of Children.

3. ..... Year ..... Page ..... No. ..... Dist. .....

4. ..... Year ..... Page ..... No. ..... Dist. .....

5. ..... Year ..... Page ..... No. ..... Dist. .....

6. ..... Year ..... Page ..... No. ..... Dist. .....

7. ..... Year ..... Page ..... No. ..... Dist. .....

8. ..... Year ..... Page ..... No. ..... Dist. .....

9. ..... Year ..... Page ..... No. ..... Dist. .....

10. ..... Year ..... Page ..... No. ..... Dist. .....

11. ..... Year ..... Page ..... No. ..... Dist. .....

12. ..... Year ..... Page ..... No. ..... Dist. .....

Application made by Susan Ratliff Stenographer E.G. Rothenberger

Cherokee Freedmen R-63.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Susan Ratliff as a Cherokee freedman.

D E C I S I O N.

The record in this case shows that on April 25, 1901, Susan Ratliff appeared before the Commission at Fort Gibson, Indian Territory, and made application for the enrollment of herself as a Cherokee freedman.

The evidence shows that Susan Ratliff was not a resident of the Cherokee Nation during the time specified in the decree of the Court of Claims of February 3, 1896, for the acquisition of Cherokee freedmen citizenship.

The evidence further shows that said Susan Ratliff has resided continuously in the State of Texas for the past thirty-five years.

It is, therefore, the opinion of this Commission that the application for the enrollment of Susan Ratliff as a Cherokee freedman should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,
this APR 20 1904

COPY.

Cherokee Freedmen
R-65.

Muskogee, Indian Territory, May 3, 1904.

Susan Ratliff,

Bonham, Texas.

Dear Madam:

There is herewith enclosed a copy of the record of proceedings had in the matter of the application for your enrollment as a Cherokee freedman, together with a copy of the Commission's decision dated April 20, 1904, rejecting said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.

Chairman.

Register

Enc. D-70

COPY.

Cherokee Freedmen
R-63.

Muskogee, Indian Territory, May 3, 1904.

The Honorable
The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Susan Ratliff as a Cherokee freedman, including the Commission's decision dated April 20, 1904, rejecting said application.

Respectfully,

Tams Bixby.

Chairman.

Through the Commissioner of Indian Affairs.

Enc. D-72.

M09

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

WM O BEALL,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen
R-63.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 3, 1904.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, rejecting the application for the enrollment of Susan Ratliff as a Cherokee freedman.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Enc. D-71.

Refer in reply
to the following:
Land,
30567-1904.

COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, May 23, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes dated May 3, 1904, transmitting the record of the application of Susan Ratliff for enrollment as a Cherokee freedman. April 20, 1904, the Commission found that the applicant was not entitled to enrollment as a Cherokee freedman.

The evi dence shows that the claimant was the slave of one Dick Ratliff and removed to the State of Texas in 1866 and has continued to reside there to the present time. Her name is not found on the 1880 Cherokee authenticated roll, nor any other roll.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

WOM

6

D.C. 18824-1904
I.T.D. 4232-1904
L. R. S

W.C.F.
J.P.
FHB

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

June 2, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory,

Gentlemen:

May 3, 1904, you transmitted the record in the matter of the application for the enrollment of Susan Ratliff as a Cherokee freedman, including your decision of April 20, 1904, rejecting said application.

Reporting in the matter May 23, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Thos Ryan
Acting Secretary

1 inclosure

M84

COMMISSIONERS
TAMS BIXBY
THOMAS B NEEDLES
C R BRECKINRIDGE
WM O BEALL
SECRETARY

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedman
R 65

Muskogee, Indian Territory, June 14, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated April 20, 1904, rejecting the application for the enrollment of Susan Ratliff as a Cherokee freedman, was affirmed by the Secretary of the Interior on June 2, 1904.

Respectfully,

Chairman.

M24

COMMISSIONERS
AMOS BIXBY
THOMAS B. NEEDLES
R. BRECKINRIDGE

WM. HEA,
SECRETARY.

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

KEEP IN MIND THE FILE NUMBER

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee Freedmen
R 63

Muskogee, Indian Territory, June 14, 1904.

Susan Ratliff,

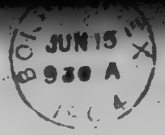
Bonham, Texas.

Dear Madam:

You are hereby advised that the Commission's decision dated April 20, 1904, rejecting your application for the enrollment of yourself as a Cherokee freedman, was affirmed by the Secretary of the Interior on June 2, 1904.

Respectfully,

Chairman.


JUN 15
930 A

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE $300

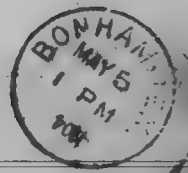
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Susan Ratliff,

Bonham, Texas.


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Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

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Susan Ratliff,
Bonham, Te[illegible]

RETURN TO WRITER.

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BONHAM, TEXAS

JUN 14 1904

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...Yes sir.

...it and ...may have explain it,
...you ...back? A Yes

...sir, ...S. Harry ...:

...I ...look, they
...ago? A My people, my husband says it's about a year after
...? ...you ...it gives you ...
...sir, ...? A Yes sir.
...you have ...? A No sir, I have not talked
...Yes.
...to him ...I ...the other day
...I didn't ...him; I have been in the country.
...sent him a note to see? A I saw him but I didn't ...
...him.
...you see him ...in the past year? A I saw
...I didn't talk ...
...it ...up the Arkan
...? A Yes sir.

...:

...? A No, it ain't; my recollec-
...tion is just ...; it ...goes away and my mind is ...
...flexio...? A Yes, I am; I am getting old.

...Senator ..., Judge S. Democratic ...

...? A Yes sir, you may I ...
...if ...question me; you ought not to do ...
...that way; I ...you are not to ...
...

...Mr. ...: ...Warren does not appear ...
...to ...question of this Commis-
...

REJECTED:

Department of the Interior,
Commission to the Five Civilized Tribes,
Ft Gibson, I.T., April 24,1901.

In the matter of the application of Lucinda Warren for the enrollment of herself and five children as Cherokee Freedmen; being sworn and examined by Commissioner Needles, she testified as follows:

Q What is your name? A Lucinda Warren.
Q How old are you? A 26.
Q What is your post-office address? A Benge, I.T.
Q What district do you live in? A Sequoyah.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Have you ever applied to be enrolled by any other tribe or nation
A No sir.
Q Have you ever been recognized by the Cherokee authorities as a Cherokee Freedman? A No sir.
Q Is your name on any of the rolls of the Cherokee Nation? A No sir
Q What is your father's name? A George Baker.
Q Is he living? A No sir.
Q What is your mother's name? A Rachel Baker.
Q Is she living? A Yes sir.
Q Who do you want to enroll besides yourself? A Just me and my children.
Q How many children? A I have got 5.
Q Give me the names of your children? A Samuel Warren.
Q How old is he? A 10 years old.
Q Next one? A George Warren.
Q How old is George? A Six years old.
Q Next one? A Henry Warren.
Q How old is Henry? A 4 year old.
Q Well, next one? A Jennie Lee Warren.
Q How old is she? A She is 3 year old.
Q Next one? A Dina Warren.
Q How old is Dina? A She will be a year old this June.
Q Was your mother a recognized citizen of the Cherokee Nation, recognized Freedman? A Yes sir.
Q Is her name on the rolls of the Cherokee Nation? A (No reply.)

Examined by attorney, A.S.McRea, (colored:)

Q Mrs. Warren, where were you born? A In Sequoyah.
Q Is that in the Cherokee Nation? A Yes sir.
Q How long have you lived in the Cherokee Nation? A Ever since I growed up and knew.
Q Lived there all your life? A Well I have been out ever in Ft. Smith once in a while, but I wasn't out long.
Q You have always claimed the Cherokee Nation as your home? A Yes sir.
Q Have you no recollection of your father? A Yes sir.
Q How long has he been dead? A As near as I can come at it, he has been dead about 8 years; something along about there.
Q Was your father a slave? A Yes sir.
Q To whom did he belong? A Mr. Jim Baker.
Q Does your knowledge -- Was your father always lived in the Cherokee Nation? Up until the time of his death? A Yes sir.
Q You are married? A Yes sir.
Q Where did you marry at? A In the Territory.
Q In Sequoyah District in the Cherokee Nation? A Yes sir.
Q Is your husband living? A Yes sir.
Q Is he a Cherokee Freedman? A No sir, state Miss.
Q What is his name? A Simon Warren.

Examined by Cherokee Representative, James S.Davenport:

Q How old are you? A 26

Q You don't know where your father was living when the war broke out? A No sir.
Q You don't know where he was living when the war closed do you? A When the war closed as near as I can hear mother talk--
Q I asked you what you know yourself? A I don't know anything about it; about the war.
Q Your father claimed to be a slave of Jim Baker? A Yes sir.
Q Where did Jim Baker live? A He lives here in the Territory, in Sequoyah District, down there somewhere.
Q Sequoyah, Choctaw Nation? A No sir, down in the Cherokee Nation.
Q Where were you living when you can first remember? A In Sequoyah.
Q Who were you living with? A Living with my mother and brother-in-law.
Q Who was your brother-in-law? A Aaron Pegee.
Q Where have you lived since you grew up to be a woman? A I was living here.
Q All the time? A Not all the time; I stayed over in Mt. Smith about four months.
Q That all the time you ever went outside of the Cherokee Nation, when you lived at Mt. Smith four months? A Then I went back and worked about four weeks.

Examined by Commissioner Needles:

Q Are these children alive and living with you? A Yes sir.

GEORGE W. VANN, being sworn and examined by Commissioner Needles, testified as follows:

Q Your name is George W. Vann? A Yes sir.
Q 87 years old? A Yes sir, going on that, I will be 87 on the 27th of December next.
Q Your post-office is Kenefic? A Yes sir.

Examined by Attorney A.S. McKennon:

Q Are you acquainted with the applicant, Mrs. Warren, Mr. VANN? A I am.
Q How long have you known her? A I guess I have known her pretty near all her life.
Q Where was she born? A She was born in the Choctaw Nation, right close to the line of Mt. Smith.
Q How long has she lived in the Cherokee Nation? A Backwards and forwards all her life. Choctaw and Cherokee joins right there at the bridge and she was sometimes in the Choctaw and sometimes in the Cherokee, but her home is in the Cherokee.
Q Were you acquainted with her father, George Baker? A Yes sir.
Q When did you first know her father, George Baker? A I don't know; can't tell you that.
Q Was it before the war? A Yes sir.
Q Where was her father, George Baker, in 1865? A He was in the Cherokee Nation.
Q Did he ever go out of the Cherokee Nation during the time of hostilities between the north and the south? A Yes sir, I saw him at Mt. Smith several times, right across the river.
Q Did he return back? A Yes sir, crossed the river.
Q Then? A Oh, returned whenever he wanted in; just across the river.
Q He has always lived in the Cherokee Nation? A So far as I know.
Q Did you and he often meet, were you neighbors? A Oh yes, right there close.
Q Do you know when he died? A Not only hearsay; I understand he died down at Hot Springs; I don't know myself.

Examined by Cherokee Representative, James S. Davenport:

Q Where was he living when you first knew him? A Before the war he was living first I knew him he was living about Webbers Falls.
Q Was he working at the Salt Works too? A Yes sir, working; him and his wife.
Q They were cooking for Baker? A Yes sir.
Q When did they quit cooking for Baker? A I worked there about three months and I left and came back.
Q How long was that before the war? A About 2 years before the war.
Q Had you seen them after you left the salt works 2 years before the war until the war broke out? A Yes, I saw him once at Webbers Falls.
Q Then when did you see them after the war closed? A I ~~didn't~~ saw them at Webber's falls. And I saw them down on this side of the river near the Shepard farm two or three times.
Q Do you know where he was during the war? A Not all of the time of it, I don't.
Q You know where his family was living when he died at Hot Springs? A I don't know that I do. His children I think- I don't know- it seems to me like his wife went with him; I won't be certain. I do not know where the children were.
Q You say they lived back and forth in the Cherokee Nation-they were regarded-what side of the Arkansas River did they live? A On the east side.
Q They were living in the Choctaw Nation when this woman was born? A Yes sir. Right there close to the bridge.
Q Were they cooking for Campbell LeFlore too? A Yes sir the old lady.

Examined by Attorney A.S.McRea:

Q Who was Campbell LeFlore? A Choctaw Indian, lives right there at the end of the bridge.
Q You say the mother of this girl cooked for Mr. Baker, their own? A Yes sir both cooked, right there at the salt works too- I was working there.
Q Was her father a slave of Jim Baker? A Said to be.
Q And he worked there and Mr. Jim Baker, the owner, always came and collected his wages? A I don't know about that; seemed to take charge of him; I never heard that he collected his wages; I think he just took them himself; he was their master and I think he just made him work for him.

Examined by Commissioner Needles:

Q You know Rachel Baker, George Baker's wife? A Oh yes sir.
Q Was she a slave? A I think she was sir.
Q She was the mother of Lucinda? A Yes sir.
Q Lucinda Warren? A Yes sir.
Q You don't know whether Rachel Baker was a slave or not? A I think she was; she was always under Baker.
Q Who did she belong to? A Jim Baker had jurisdiction over her and she had to mind him.
Q Jim Baker had jurisdiction over George and Rachel Baker? A Yes sir.

Examined by Cherokee Representative, James A. Davenport:

Q Where was Jim Baker living? A At the salt works.
Q Was he living there? A Yes sir, house and home and his family. I only staid there about three months.
Q About two years before the war? A Yes sir.

RACHEL BAKER, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Rachel Baker.
Q How old are you? A I am about 60 or 60, or 64, or 5.
Q What is your post-office? A Bengo.
Q You know Lucinda Warren? A Yes sir.
Q What relation is she to you? A Why she is my daughter.
Q She is? A Yes sir.
Q Well
Q Were you a slave Rachel? A Yes sir.
Q Who did you belong to? A Baker.
Q What Baker? A I don't know; I forgot, Jim or John Baker, one of the other; it has been so long; it was a Baker anyhow.

Examined by Attorney, A.S.McRae:

Q You say you belonged to Jim Baker? A It was Jim Baker or John Baker, I disremember; it was a Baker.
Q Were you his slave? A Yes sir; my husband and me was together.
Q Have you ever applied to be enrolled as a Cherokee Freedman before? A No sir, never applied for anything.
Q Never applied before you say? A No sir.
Q Where were you born? A I don't know, I must have been born in the old state.
Q Where were you when you first recollect anything of yourself? A Here in the Territory.
Q In the Cherokee Nation? A In the Cherokee Nation; and I reckon Baker must have brought me.
Q Have you any recollection of the war? A Yes sir.
Q Where were you in 1865? A I reckon I was here; I can't tell anything about anything I see only here.
Q Did you go out of the Territory during the hostilities? A I went out, yes sir, and staid out awhile and came back.
Q Can you state how long you staid out? ANo sir, I can't state that.
Q Do you know when you returned? A I returned back after the war.
Q Immediately after the war? A No, I reckon I was gone about a year, maybe not quite so long.
Q Where were you in '66? A I don't know nothing about no '66; I couldn't keep count of no years.
Q That was a year from-- the closing of hostilities was in 165, and you say you came here xxxx xxxxxx x about a year after the war closed? A Yes sir, as near as I can come at it.
Q And you say Lucinda Warren is your daughter? A Yes sir.
Q I, George Baker her father? A Yes sir.

Examined by commissioner Needles:

Q You applied here on the 20th day of April to be enrolled did you not? A Yes sir.
Q Did you state then, that when you returned to the Cherokee nation after the war the cars were running on the Arkansas Valley road?
A I said so, but I will take that back, since I have looked into it I don,t recollect nothing about that; I was brought here small and I can't talk much about the people, and nothing about the dates the months the years and things.
Q You know whether there was a railroad running or not? A I did think there was, but since I studied it I know there wasn't, for we come back in wagons.
Q You have been talking to somebody else about it since then?
A No sir.
Q Nobody ever mentioned to you that you were to the railroad running until I mentioned it to you now? A No sir, well me and my children was talking it over.
Q And your attorney, this gentleman, was talking to you about it?
A Yes sir.
Q You were talking to your attorney and your children, that's natural, about the testimony you gave the other day, when you stated

that the cars were running when you came back? A Yes sir.
Q And after talking to them about it and having them explain it, you concluded the cars wasn't running when you came back? A Yes sir, I don't want to tell no lie about it.

Examined by Cherokee Representative, James S.Davenport:

Q You didn't remember when you came back? A I came back, they said it was about a year after the war.
Q Who said so? A My people, my husband says it's about a year after the war, or maybe more before.
Q Didn't George Vann tell you anything about it when you testified the other day? A No sir.
Q You have talked to him about it? A No sir, I haven't talked to Uncle George Vann.
Q Did you talk to him at all since you testified the other day in this case? A I didn't talk to him; I have been in the country.
Q You didn't meet him a minute ago? A I saw him but I didn't talk to him.
Q Didn't you see him before you came in here just now? A I saw him but I didn't talk nothing to him.
Q You are satisfied now the railroad wasn't running up the Arkansas river on this side, when you came back? A Yes sir.

Examined by Attorney A.B.McCon:

Q Is your recollection very distinct? A No, it aint; my recollection is just like my age; my age is going away and my mind is going away.
Q You are very fickle in memory? A Yes, I am; I am getting old.

Examined by Cherokee Representative, James S. Davenport:

Q Have you a changeable memory? A Yes sir, you know I am changeable when you all get to questioning me; you ought not to do me that way; I am older than you are and got no education.

Com'r Needles: The name of Lucinda Warren does not appear upon any of the rolls now in the possession of this Commission, of the Cherokee nation; she applies for the enrollment of herself and five children enumerated herein; she avers that she is a child of George and Rachel Vann, and that they were Cherokee freedmen and slaves of one Vann; the proof is not satisfactory as to their residence, nor as to their citizenship, consequently the application of Lucinda Warren for the enrollment of herself and five children will be rejected, with the understanding that the attorney for the applicants can have the case re-instated at any time by presenting sufficient testimony in order to justify the same.

---oOo---

W.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

W D Green

Subscribed, and sworn to before me this April 25, 1901.

C. H. Needles

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
P. I. T., I. T. D.
APR 24 1901
ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date APR[illegible] 1901

Post Office Bryan, I.T.

District Delaware

1. Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

1 1. Name of wife Lucinda Warren Age 26

Owners name ..... Citizenship .....

Year — Page — No. — District —

Parents:

Father Geo Baker — dead Citizenship .....

Mother Rachel " — living Citizenship .....

Names of Children:

2 1. Samuel Warren Year — Page — No. — Dist. 10

3 1. Georgia " Year — Page — No. — Dist. 6

4 1. Henry " Year — Page — No. — Dist. 4

5 1. Jennie L. " Year — Page — No. — Dist. 3

6 1. Dinah " Year — Page — No. — Dist. 1

8. Year Page No. Dist.

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Rejected

Application made by Wm Stenographer M P Green

Make X ref to R 57 & R 69.

Q Where was that child born? A Born there in Arkansas.
Q What was the name of that child? A I can't tell you.
Q About what year was that child born? A (No response.)
Q Was your husband, George Baker, a colored man? A Yes sir, Indian looking man.

Com'r Breckinridge:-- The applicant applies for the enrollment of herself and one child. Her marriage to one George Baker is reasonably established. She appears to have lived with him as his wife for many years and the child for whom she applies is the youngest child of that marriage. The applicant states that she has lived in the Cherokee Nation since she was a child, except a brief absence during the war and she is not entitled upon the roll of 1880 or upon the Worris-Clifton roll, nor upon the census roll of 1896, and her child, Lizzie Baker, is not entitled upon either of the latter rolls. It is evident that the applicant was not a slave. Her life has been of an unsettled nature and there is no ground, at least at present, that seems to afford any right to enrollment at this time. The application for her enrollment and for that of her child will be placed upon a rejected card, both of them being listed as Cherokee freedmen, though it is doubtful whether the applicant through her other is of African origin or of Indian origin. The applicant's husband is said to have been dead a number of years.

---oooOOOooo----

J.O.Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J.O.Rosson.

Subscribed and sworn to before me this 24th day of April 1901.

C.R.Breckinridge,

To be filed in case of Lucinda Warren et al, Cherokee Freedmen R--

Department of the Interior,
Commission to the Five Civilized Tribes,
Ft. Gibson, I.T., April 20th, 1901.

In the matter of the application of Rachel Baker for the enrollment of herself and one child as Cherokee Freedmen; said Baker being sworn and examined by Commissioner C.R.Breckinridge, testified as follows:

Q Give me your full name? A Rachel Baker.
Q How old are you? A I can't tell, as near as I can recollect I am about 65.
Q What is your post-office? A Benge.
Q In what district do you live? A In Sequoyah.
Q Do you want to be enrolled as a Cherokee Freedman? A Cherokee Freedman, I reckon.
Q Do you want to enroll anybody besides your self? A I got children to enroll, but some of them is hereand some is not.
Q They are all grown are they? A I have got - one 16 years old.
Q That is your youngest child? A Yes, sir.
Q Is that the only one that is under 21 years of age? A Yes sir.
Q How long have you lived in the Cherokee Nation? A I have been here for years and years.
Q Have you been here all your life? A I have been here off and on all my life, first in the Choctaw Nation and here in the Cherokee.
Q Where were you born? A I can't tell that.
Q Where did you live up to the time you were 20 or 21 years of age? A I was up here at the salt works.
Q You have been married have you? A Yes sir.
Q How many times have you been married? A I haven't been married but once.
Q To whom were you married? A Married a man by the name of Baker.
Q Give me his full name? A George.
Q How old were you when you married George Baker? A I don't know.
Q Give me as near as you can? A I reckon I was about, I was 16 years old I reckon, 16 or 17.
Q Where were you and George Baker married? A Married after we crossed over the line up there at the salt works.
Q Married in the Cherokee Nation? A Yes.
Q Have you been living a good long time in the Cherokee Nation when you and George Baker married? A Yes, sir, just been living in the Cherokee Nation and going out and over in the Choctaw Nation and over in the State working, first one place and then another.
Q Working for yourself and making your own living? A Yes sir, this man Baker I was with, I worked with him and when I wanted anything and talking with him he would pay me.
Q He was you husband was not he? A No sir, his name was Jim Baker.
Q Your husband's name was George Baker? A Yes sir.
Q Who was this Jim Baker? A I don't know what he was.
Q Why did you go to him? A I don't know why; I had worked with him and stayed with him most of the time. I didn't think there was anywheres else for me to stay.
Q Did he have a farm? A Yes, he was working there around the salt works.
Q Working for day wages? A I was just working and they would pay me.
Q Was this man, Jim Baker, working for day wages? A I suppose so.
Q Sometimes you worked with him and some times you didn't work with him? A Yes sir. Sometimes I would be cooking and he would pay me and I would go to him and ask him for anything he wouldpay me.
Q What would you do with your money? A I wouldspend it.
Q Well, then after a while you married a man by the name of George Baker? A Yes sir.
Q Was he any kin to Jim Baker? A I don't know that.
Q Where did you live when you and George Baker married? A I stayed there until the war came up.

Q Stayed there with your husband, George Baker? A Yes sir, just like I had been until the war come up.
Q You say some times you would work in the Cherokee Nation? A Yes sir, when he would not have work I would go somewheres else.
Q Sometimes in the States? A Yes sir.
Q One place and then another? A Yes sir.
Q Not one place more than another? A I would know where home was.
Q And you would go and stay as long as you pleased and come back when you pleased? A Yes sir.
Q Now when the war come up what did you and George Baker do? A When they went to going off we went too.
Q Where did you go? AWe went off to Texas and stayed around until about a year or maybe more.
Q Did you go across Red River? A No sir, we went close to Red River, but I never did go to the river.
Q Did you go to Arkansas too? A Yes sir.
Q When the war was over you and George Baker came back? A Yes sir.
Q Is George Baker dead? A Yes sir.
Q How long has he been dead? A Alittle over 17 years.
Q Well then from the time the war closed until George Baker died, did you live any one place? A I have been living with my son-in-law and first one of the children and then another.
Q Was that before George Baker died? A No sir.
Q I am talking about before George Baker died? A I was just knocking around, he was a sick man.
Q Did you have any regular home or did you and George Baker work at different places? QA Just worked at different places and lived in a tent.
Q And you would go wherever you pleased? A Yes sir.
Q Sometimes in the Choctaw Nation? A Yes sir.
Q Sometimes in Arkansas? A Yes sir, I was going to Fort Smith I used to wash and so it would be.
Q You say he died? A Yes sir, he died there in Hot Springs, Arkansas, he went there for his health and died there.
Q Now, you have never married since he died? A No sir, I have not.
Q Well you married this George Baker some time before the war?
A Yes sir.
Q What was he doing when you married him, just working for wages?
A Yes sir, wherever he could.
Q Sometimes in Arkansas and some times in the Territory? A Yes sir.
Q That was before you married him? A Yes sir.
Q And after you married him? A Yes sir.
Q And before the war? A Yes sir.
Q He would keep his money and spend it and give you some of it?
A Yes sir, he would sure do that, give me some and spend some.
Q So what he made belonged to him and to you? A Yes sir.
Q Is that right? A Yes sir.
Q Well, now you claim to be aCherokee Freedman? A Yes sir.
Q Who was your master before the war? A That 's him, Jim Baker, I reckon.
Q As far as you know? A Yes sir, that is as far as I know.
Q Have you ever been put on any roll of the Cherokee Nation? A No sir, I never have.
Q Give me the name of your child, that is the child that is 16 years old? A Lizzie Baker.
Q You say the child is 16? A Yes sir.
Q This is George Baker's child? A Yes sir.
Q George has not been dead quite 17 years? A I call it that.
Q Well, thereabouts? A Yes sir.
Q Is this child living now? A Yes sir.
Q She has never been put on any roll? A No sir.

Q Was George Baker ever put on any roll? A If he was I didn't know it.

The 1880 authenticated roll of citizens of the Cherokee Nation examined and applicant's name not found thereon.
The 1896 census roll of citizens of the Cherokee Nation examined and names of applicants not found thereon.
The Kerns-Clifton Roll of citizens of the Cherokee Nation examined and the names of applicants not found thereon.

Q It is evident that you were not a slave? A I never did apply for enrollment.
Q It is perfectly evident to me from what you say that you were always a free woman? A Yes; that is what I always thought.
Q Well then you have no rights as an ex-slave because you never were a slave? A (No response)

Examination continued by John F. Faulds, attorney for applicant

Q You came here before the war, didn't you? A Yes sir.
Q Have you any idea how long before the war? A No sir.
Q Well, were you brought here by anybody? A Yes sir; I just come along with the people that was coming.
Q Were you subject to the orders of any person? A No, just about like any other child, but to say that I know more than that, I could not say.
Q You say that you think old Jim Baker was your owner? A That's what I thought.

JOHN WILLIAMS, called as a witness for applicant, having been sworn, testified as follows:

Examination by Commissioner Breckinridge:

Q Give your name? A John Williams.
Q How old are you? A 65 past.
Q What is your post-office? A Fort Smith, Arkansas.

By John F. Faulds, Attorney for applicant:

Q Are you acquainted with this lade, Rachel Baker? A I have seen her a few times.
Q Do you know where she was residing before the war? A I know where she was at one time, and I believe it was the same woman.
Q When was that? A In 1860.
Q Where was that? A At the Drew Salt works.
Q What was she doing there? A She was cooking for the camp there at the salt work.
Q Did you know whether she had a master, whether she was a slave or not? A I do not, sir, never heard anybody say and didn't ask her about it.
Q Do you know that she has been here since 1866? A I have seen her passing in the country, she lived down on Lees Creek, I have seen her since 1870; I had not seen her from the time I seen her in 1866 until I saw her in 1870.

By W.W.Hastings, Cherokee Representative:

Q You testified in the case of George W. Vann? A Yes sir.
Q You testified then that you saw some colored woman cooking at those salt works? A Yes sir.
Q You stated then that you saw this woman here for the first time? A I do.
Q Did? A Yes sir.
Q And that she had told you that she was the same person and made herself known to you? A No sir.

Q And you thought that she was the same person? AI did.
Q And you testified that you never saw her from the time you saw her at the salt works and the time you saw her now? A I think so.
Q You now say you saw her on Lees Creek in 1870? A Yes, I saw her when I was there.
Q How did you happen to see her? A I met her in the road.
Q You recollect the circumstance? A Yes sir.
Q That was ten years afterwards? A Ten years afterwards.
Q You had notoccasion to know her at the Salt works? A I was there sever l weeks.
Q Now, thirty years afterwards you remember seing the old colored person in the road up on Lees Creek? A Yes sir.
Q She was alone? A She was along the road going from house to house I suppose.
Q Was any one along with you? A No sir.
Q No one with her, A I didn't see anybody with her there; I was ahead of my party, I had a party close behind me.

By John F. Faulds:

Q You saw her at the salt works, that is the time you speak about before the war, and you had not seen her until the time in 1870, but you know this woman is the woman you have seen since 1870? Yes sir.
Q And when you saw her here a few days ago to appear here as a witness, then you recollected that this was the same old woman you saw in 1866? A Yes sir; I pointed her out over a hundred yards.
Q It was not until you came here as a witness that you made up your mind that she was the same woman that you had seen back in 1860? A That is it.

By W.W.Hastings:

Q You recognized her on Lees Creek as the woman? A Yes sir.
Q And your recognized her here? A Yes sir.

George W. Vann, being sworn and examined by Commissioner C.R.Breckinridge, testified as follows:

Q Give me your full name? A George W. Vann.
Q How old are you? A I will be 87 years old on the 27th day of December.
Q What is your post-office? A Bengé.
Q How long have you lived in the Cherokee Nation? A I have lived here ever since I moved here from the old Nation.

By John F. Faulds:

Q When did you first become acquainted with the applicant, Rachel Baker? A At the Salt works.
Q When was that? A That was about the war, maybe about a couple of years before the war.
Q At the salt works at Webbers Falls in the Cherokee Nation before the war? A Yes sir.
Q What was she doing there? A Cooking.
Q Do you know whether or not she was a slave? A She was not, Jim Baker, because when she cooked for him along I would pay the money for her cooking to Jim Baker and Jim Baker seemed to be her guardian, and they made a settlement every Saturday evening and I saw him take it, he would take it and whenever we didn't pay he would say that he was her guardian and he would see that she got her money
Q She was a colored woman? Mixed with Indian and colored.
Q Now, what time did you see her there, if you remember?
A Some time in 1860 I think.
Q When did you see her afterwards? A Well I never seed her after we broke up there until about 1870, I was at Fort Smith about 1870

and I saw her and had quite a laughing talk with her.
Q Do you know where she has been residing since that time?
A I know some of it.
Q Where? A She has been part of the time up here in the Cherokee Nation, part of the time in the Cherokee Nation above Webbers Falls, and sometimes in Fort Smith and sometimes in Van Buren and some times over in the Cherokee and some times I never knowed where she was.
Q Where has she made her home? A For the last four or five years she has made her home down here on a colored man's place by the name of McDonald, the first time she seemed to make her home on the place of Payne, her son-in-law, and she left there and went to McDaniels place and she is living there now.

By W.W.Hastings:

Q Where did you see her in 1870? A Fort Smith.
Q You never saw her in the Cherokee Nation? A Yes, I have.
Q I mean when was the first time you saw her in the Cherokee Nation after the war? A I saw her in 1860.
Q I mean after the war? A Oh, I have seen her several times after the war.
Q Well, tell me the first time after the war? A I didn't know, I don't know anything about it.

Rachel Baker, the applicant, re-called, testified as follows; Examination by W.W.Hastings:

Q You testified for this same man Vann didn't you? A Yes sir.
Q You testified that you come back here after the war? A I did.
Q You testified in that case that you come down in the river bottom this side of Fort Smith? A Yes sir.
Q You testified that you come along in a wagon? AYes sir.
Q You testified that there were trains running along on the road but you did not ride on them? A No sir.
Q But they were running on the road when you came back after the war? A Yes sir.
Q You are positive of that? A Yes sir.
Q But you come in the wagons? A Yes sir.
Q Near what town did you locate down there? AI think, I don't know whether it was in the Choctaw or Cherokee, but it was close down on the river.
Q Well, your trading point? A Where ever we could.
Q What was the town you went to trade at first? A Fort Smith I reckon.
Q Send and get a little something? A Yes sir.
Q How far did you live from Muldrow? A Seven or eight miles.
Q When you first came? AI think they called it seven or eight miles.
Q Who was keeping a store? AI don't know, I never go to Muldrow to trade, I have been to Muldrow but I don't know whether I ever went to Muldrow to trade in that day and time or not.
Q But you heard of the town? A Yes sir.
Q But you didn't go up there? A No sir.
Q You knew that there was a town by that name? A Yes sir, I know that there was a town and they called it by that name.

By Commissioner Breckinridge:

Q Do you remember your mother? A No sir.
Q Do you remember your father? A No sir, I don't know anything about my father, unless this Baker was my father; that is what he always told me.
Q Was Jim Baker a Cherokee? A Yes sir, uncle George Vann he says he is half Cherokee.
Q And what is the other half? ANegro I reckon.
Q But you don't know about that? A It is hard for me to say.

Q You don't know whether you are really a Cherokee or colored person? A I am Cherokee, that is what I always thought; that is what this jim Baker always told, this is how I happened to know I was there. That has been a long time, they never taught me anything only to just go and do.
Q Did Baker ever tell you that your mother was a Cherokee? A No, sir.
Q Did he call you a Cherokee? A Yes sir, I never seen my mother; if I did I never knowed it.
Q Well you are an honest good old woman, but it is very hard to fix what your status is? A I can't help it, for I was not taught anything, I always thought I ought to have something.

By W.W.Hastings:

Q You never did apply at any time for any enrollment? A No sir.
Q You have lived here all your life and never did ask for any enrollment? A I never did know where to go.

George W. Vann, re-called, further testified:
Examination by Commissioner Breckinridge:

QQ Did you know this woman was married to one George Baker?
A No sir.
Q Did you know that they did live together as man and wife?
A Yes sir; I have seen them sleep together and get up out of bed.
Q You know that they lived together as husband and wife, and they claimed to be husband and wife? A Yes sir.
Q Did she go by his name? A Yes sir.
Q And they lived that way a good many years did they, as far as you know? A As far as I know.
Q You say you have known thempretty much all her life? A They would leave and come back and stay here some months.
Q And come back and they would be living together as husband and wife? A Yes sir, he was sick and they would be together.
Q Did you ever know her and any other man to live as husband and wife? A Never did.
Q As far as you know then, she has lived as the wife of this man, George Baker and with no other man until his death? A I never seed any other man with her in my life.

Rachel Baker, the applicant, re-called, testified as follows:
Examination by John F. Faulds:

Q Where were your children born? ASome of them was born here and some of them born out and one died on the road traveling; I don't know anything about it.

By Commissioner Breckinridge:

Q How many children have you? A I have got ten.
Q Where was your child, Lizzie Baker, born, in the Cherokee Nation?
A Yes sir, she was born in the Cherokee Nation.
Q Where was your oldest child born? A He was born on the road.
Q In what nation or state? A I reckon it must be near on the line coming backhere.
Q On the Arkansas line? A Yes sir, I was coming back.
Q Were any of your children born in Arkansas? No sir, just got along on the, just coming along in a hurry.
Q I am trying to find out whether they were born in the Cherokee Nation or outside of the Cherokee Nation? A There was one that was born outside and that is the one that died.

Rachel Baker et al 7.

Q Where was that child born? A Born there in Arkansas.
Q What was the name of that child? A I can't tell you.
Q About what year was that child born? A (No response.)
Q Was your husband, George Baker, a colored man? A Yes sir, Indian looking man.

Com'r Breckinridge:-- The applicant applies for the enrollment of herself and one child. Her marriage to one George Baker is reasonably established. She appears to have lived with him as his wife for many years and the child for whom she applies is the youngest child of that marriage. The applicant states that she has lived in the Cherokee Nation since she was a child, except a brief absence during the war and she is not identified upon the rolls of 1880 or upon the Kerns-Clifton roll, nor upon the census roll of 1896, and her child, Lizzie Baker, is not identified upon either of the latter rolls. It is evident that the applicant was not a slave. Her life has been of an unsettled nature and there is no ground, at least at present, that seems to afford any right to enrollment at this time. The application for her enrollment and for that of her child will be placed upon a rejected card, both of them being listed as Cherokee Freedmen, though it is doubtful whether the applicant through her mother is of African origin or of Indian origin. The applicant's husband is said to have been dead a number of years.

----oooOOOooo----

J.O.Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J.O.Rosson.

Subscribed and sworn to before me this 24th day of April 1901.

C.R.Breckinridge,
Commissioner.

I, M.D.Green, as stenographer to the Commission to the Five Civilized Tribes, upon my oath state that the above and foregoing is a true and complete copy of the original transcript of the testimony and proceedings in the above entitled case, said original having been taken and transcribed by J.O.Rosson, stenographer.

M D Green

Subscribed and sworn to before me this April 25, 1901.

C R Breckinridge

Commissioner.

F. R. 24

CO[illegible]ON TO THE FIVE C[illegible]ED [illegible]TES.

FILED
APR 25 1901

ACTING CHAIRMAN.

To be filed in case of Lucinda Warren et al, Cherokee Freedmen.--

SUPPLEMENTAL: Rachel Baker.

Department of the Interior,
Commission to the Five Civilized Tribes,
Ft. Gibson, I.T., April 20,1901.

In the matter of the application of Rachel Baker for enrollment as a Cherokee Freedman:
George W. Vann, being sworn and examined by Commissioner Breckinridge testified as follows:

Q Give your full name? A George W. Vann.
Q How old are you? A I will be 67 on the 27th day of December.
Q What is your post-office? A Benge.
Q You have given testimony I believe heretofore in the case of Rachel Baker? A Yes sir.
Q You want to give some additional testimony now; did you know her husband? A Yes sir.
Q What was his name? A He was a Baker.
Q You remember his full name? A That's all I know, Baker.
Q You know whether he was a white man or colored man? A Black man; black a man as I am.
Q Did you know him before the war broke out between the North and the South? A Yes sir, I never knowed him until I went up there to the Salt Works, and that's the first I knowed him or her any one.
Q That was before the war? A Yes sir.
Q How long did you know him before the war? A About two years.
Q Was he a free man or a slave? A I do not know.
Q You didn't see anything of him during the war? A Yes I did.
Q Where did you see him during the war? A Ft. Smith and Webbers Falls.
Q When did you first see him after the war? A Ft. Smith I believe.
Q And did you see him often after that? A Yes sir, I saw him on this side of the river sometimes and sometimes on the other side; saw her and him at Van Buren sometimes; I missed him, she said they went to Hot Springs and was gone a long time, and I have never seen him since.

Examined by Cherokee Representative, W.W.Hastings:

Q About how long were they gone? A I think two or three months maybe more.

Examined by attorney for applicant, A.S.McRae,(colored)

Q Mr. Vann, well, yes, you say you met her husband before the war? A Yes sir.
Q At the Salt Works the first place? A Yes sir.
Q What was he doing there? A She was cooking and he was helping about the cooking.
Q Did you ever hear him make mention of his owners? A Never did.
Q Whether he was a freedman or a slave? A Never did.
Q You always knew they lived together before the war and since as husband and wife? A Yes sir; lived together as husband and wife; I never seen anybody else with her.

Com'r Breckinridge: In the course of the examination in this case the applicant has testified that when she came back to the Cherokee Nation after the war she saw the cars running on the railroad up the Arkansas Valley, this side of Ft. Smith. When I was a member of Congress, sometime between 1892 and 1894 I introduced and had passed the bill granting the charter for that railroad, and of course it was built after the date first mentioned, and she could not, therefore, have seen the railroad or the train at any time prior to 1870.

Rachel Baker Supplemental 2

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this April 25, 1901.

C Matkins

Commissioner.

DEPARTMENT OF THE INTERIOR, W78
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Rachel Baker et al., as Cherokee freedmen, consolidating the applications of:

Rachel Baker et al	Cherokee Freedmen	R 87
Diannah Piggioe et al	" "	R89
Lucinda Warren et al	" "	R 44
Aggie McGinnis et al	" "	R 65
Amanda Counts et al	" "	R 174

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by, Rachel Baker for herself and her minor daughter, Lizzie Baker; by Diannah Piggioe for herself and her minor children, Edgar, William L., Bessy and Wilson Piggioe; by Lucinda Warren for herself and her minor children, Samuel, George, Henry, Jennie L. and Dina Warren; by Aggie McGinnis for herself and her minor children, Aurilia, Daniel, Hackey, Lucinda, Rachel, Granville and Sylvester McGinnis, and by Amanda Counts for herself and her minor son, Alphonso Counts.

The evidence shows that Rachel Baker is the mother of the principal applicants hereinbefore mentioned, and was not the slave of a Cherokee citizen or a free colored person, residing in the Cherokee Nation at the commencement of the rebellion. It is further shown that the said Rachel Baker removed from the Cherokee Nation during the rebellion and did not return thereto within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., versus the Cherokee Nation et al., for the return of freedmen to said Nation. The principal applicants in these several cases were born subsequent to 1866 and can possess no rights not acquired by their said mother, Rachel Baker, and their several minor children, applicants herein, acquire no rights as Cherokee freedmen not possessed by their said respective mothers.

Neither the said Rachel Baker, mother of, nor any of the principal applicants herein, then living, are identified on the Cherokee authenticated roll of 1880.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Rachel Baker, Lizzie Baker, Diannah Piggioe, Edgar Piggioe, William L. Piggioe, Bessy Piggioe, Wilson Piggioe, Lucinda Warren, Samuel Warren, George Warren, Henry Warren, Jennie L. Warren, Dina Warren, Aggie McGinnis, Aurilia McGinnis, Daniel McGinnis, Hackey McGinnis, Lucinda McGinnis, Rachel McGinnis, Granville McGinnis, Sylvester McGinnis, Amanda

Counts and Alphonso Counts as Cherokee freedmen should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1906 (34 Stats., 496), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tams Bixby, Chairman.

(Signed) T. B. Needles, Commissioner.

(Signed) C. R. Breckinridge, Commissioner.

Dated at Muskogee, Indian Territory,

this APR 20 1906

COPY.

Cherokee Freedmen
R 64

Muskogee, Indian Territory, May 5, 1904.

Lucinda Warren,

Benge, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself and your five minor children, Samuel, George, Henry, Jennie L. and Dina Warren, as Cherokee freedmen, together with a copy of the Commission's decision dated April 20, 1904, in the consolidated case of Rachel Baker, et al., rejecting, among others, your said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.

Chairman.

Encl. V-52

Register.

Cherokee Freedmen
R 87, et al.

Muskogee, Indian Territory, May 3, 1904.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 30, 1904, in the consolidated case of Rachel Baker, et al., rejecting the applications for the enrollment of Rachel and Lizzie Baker, Diannah, Edgar, William L., Bessy and Wilson Piggies, Lucinda, Samuel, George, Henry, Jennie L. and Dina Warren, Aggie, Aurilla, Daniel, Mackey, Lucinda, Rachel, Granville and Sylvester McGinnis, and Amanda and Alphonso Counts as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Encl. V-86

COPY.

Cherokee Freedmen
R 87, et al.

Muskogee, Indian Territory, May 3, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith inclosed the record of proceedings had in the consolidated case of Rachel Baker, et al., including the Commission's decision dated April 20, 1904, rejecting the applications for the enrollment of Rachel and Lizzie Baker, Diamah, Edgar, William L., Bessy and Wilson Piggies, Lucinda, Samuel, George, Henry, Jennie L. and Dina Warren, Aggie, Aurilla, Daniel, Mackey, Lucinda, Rachel, Granville and Sylvester McGinnis, and Amanda and Alphonso Counts as Cherokee freedmen.

Respectfully,

Chairman.

Encl. V-86

Through the
Commissioner of Indian Affairs.

(COPY)

-Copy-

3 Encles.

Refer in reply
to the following:
Land
30804-1904

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, Sept. 17, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated May 3, 1904, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen, by Rachel Baker for herself and her minor daughter , Lizzie Baker; by Diannah Piggies for herself and her minor children, Edgar, William C Bossy and Wilson Piggies; by Lucinda Warren for herself and her minor children, Samuel, George, Henry, Jennie L., and Dina Warren; by Aggie McGinnis for herself and her minor children, Aurilla, Daniel, Wesley, Lucinda, Rachel, Granville and Sylvester McGinnis and by Amanda Counts for herself and her minor son, Alphonso Counts.

April 30, 1904, the Commission decided adversely to the applicants.

The record shows that Rachel Baker is the mother or grandmother of all of the other applicants who were all born since 1866 and possess no title to enrollment except such as may be derived from her.

It is further shown that Rachel Baker was not the

slave of a Cherokee citizen or a free colored person residing in the Cherokee Nation at the beginning of the war of the rebellion, and that she did not return to the Cherokee Nation on or before February 11, 1867.

None of the applicants is identified on any roll pertaining to the Cherokee Nation.

The petition for a rehearing filed by the applicants has been duly considered.

In view of the record the approval of the Commissioners decision adverse to the applicants is recommended.

Very respectfully,

A. C. TONNER
Actg. Commissioner

M. M. M.
L.

(COPY)

W.C.F.
FHK
J.F.

D.C. 37736-1904.
I.T.D.7584-1904

DEPARTMENT OF THE INTERIOR

WASHINGTON.

October 1, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

May 3, 1904, you transmitted the record in the consolidated Cherokee freedmen case of Rachel Baker, et al (F.R.-57), including your decision of April 20, 1904, rejecting the applicants.

The Department has duly considered a motion for rehearing filed by the applicants.

Reporting in the matter September 17, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully

(Signed) Thos Ryan
Acting Secretary

1 inclosure

COPY.

Cherokee Freedmen
R-64

Muskogee, Indian Territory, October 26, 1904.

Lucinda Warren,

Benge, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision, dated April 20, 1904, rejecting, among others, the application for the enrollment of yourself, and minor children, Samuel, George, Henry, Jennie L., and Dina Warren, as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 1, 1904.

Respectfully,

Chairman.

COPY.

Cherokee Freedmen.
E-37 [illegible]

Muskogee, Indian Territory, October 25, 1904.

Bell, Hastings and Davenport,
Attorneys for Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision, dated April 20, 1904, rejecting the applications for the enrollment of Rachel and Lizzie Baker, Diannah, Edgar, William L., Bessy and Wilson Biggies, Lucinda, Samuel, George, Henry, Jennie L., and Dina Warren, Aggie, Aurilla, Daniel, Wackey, Lucinda, Rachel, Granville and Sylvester McGinnis, and Amanda and Alphonso Counts as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 1, 1904.

Respectfully,

Chairman.

ENROLLMENT REFUSED.

R 64

IN THE MATTER OF THE APPLICATION OF

Lucinda Warren et al

FOR ENROLLMENT AS

CHEROKEE [illegible] EN

A Original testimony Apl 24. '04

B. Wms. of application, Apl 24/04

C Testimony from case of Rachel Baker

D Testimony from case of Rachel Baker

April 20. 1904.

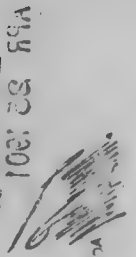
Oct. 1. 1904.

Lucinda Freeman

Jackets R 57 R 59 R 65

Cher Fr R 65

Cher Fr R 65



April 25, 1901.

Commissioner.

Rejected

Department of the Interior,
Commission to the Five Civilized Tribes,
Ft.Gibson, I.T., April 24,1901.

In the matter of the application of Aggie McGinnis for the enrollment of herself and seven children as Cherokee Freedmen; being sworn and examined by Commissioner Needles, she testified as follows

Q What is your name? AAggie McGinnis.
Q What is your age? A About 23.
Q What is your post-office address? A Benge.
Q What district do you live in? A Sequoyah.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Did you ever apply to be enrolled as a Freedmanof any other nation or tribe? ANo sir.
Q Have you ever been recognized by the Cherokee authorities as a Cherokee Freedman? A Yes sir, I guess so.
Q Is your name on any of the rolls of the Cherokee Nation?
A No sir.
Q Are you married? AYes sir.
Q What is your husband's name? A L.D.McGinnis.
Q Is he a Cherokee citizen? ANo sir.
Q Who do you want to enroll besides yourself? A Me and my children.
Q How many children? A Seven.
Q Give me the namesof your children? A Aurilla McGinnis, 11 years old; Daniel McGinnis; 10 years old.
Q Next one? AMackey McGinnis,
Q How old is Mackey? A He is nine.
Q Name of the next one? ALucinda McGinnis.
Q How old is Lucinda? A She is 6.
Q Next one? ARachel McGinnis.
Q How old is Rachel? A 2.
Q Next one? My baby is just three months old.
What is its name? A Sylvester.
Q That's only six children, I thought you said you had seven?
A I have got seven, I forgot one.
(Com'r calls them over to her)
A Granville, is the one that's out, he is four years old.
Q How old were you when you were married? AI don't know sir exactly, I can't tell my exact age, because my mother never did have it so I could see it.
Q You are 23 now and you have got a child 11 years old? AI can't tell my exact age.
Q What is your father's name? A George Baker.
Q Is he living? ANo sir.
Q What is your mother's name? A Rachel Baker.
Q Is she living? AYes sir.
Q Are these children all alive? A Yes sir.
Q Where were they born? A In Sequoyah District.
Q All in the Cherokee Nation? A Yes sir.

Com'r Needles: Reference is made here to the testimony of Lucinda Warren, sister of the applicant, R 64, and the testimony of her mother, Rachel Baker, rejected card 57; by reason of the facts as set forth in the testimony the name of Aggie McGinnis and her children as enumerated in the testimony will be placed upon a rejected card, with the understanding that the attorney for the applicant presents satisfactory evidence for the reinstatement of said Aggie McGinnis and her children, re-instatement will be done; their names not appearing upon any rolls now in the possession of the commission.

Aggie McGinnis et al 2

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this April 25, 1901.

C A Breckinridge

Commissioner.

76. J. U. 65

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
APR 24 1901

ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date APR 24 1901

Post Office Bunger I.T.

District Tahlequah

1. Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Rejected

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

1 w. Name of wife Aggie McGinnis Age 23

Owners name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father Geo. Baker—dead Citizenship .....

Mother Rachel Baker—living Citizenship .....

Names of Children:

2 c.	Aurilla McGinnis	Year	Page	No.	Dist.	11
3 c.	Daniel "	Year	Page	No.	Dist.	10
4 c.	Mackey "	Year	Page	No.	Dist.	9
5 c.	Lucinda "	Year	Page	No.	Dist.	6
6 c.	Rachel "	Year	Page	No.	Dist.	2
7 c.	Sylvester "	Year	Page	No.	Dist.	3 mo
8 c.	Granville "	Year	Page	No.	Dist.	4 yr
10.		Year	Page	No.	Dist.	
11.		Year	Page	No.	Dist.	
12.		Year	Page	No.	Dist.	

Application made by Wm Stenographer W. D. Green

Make X Ref to R57-R58 & R64

Rachel Baker et al 7

born outside and that's the only that died.
Q Were was that child born? A Born there in Arkansas.
Q What was the name of that child? AI can't tell you.
Q About what year was that child born? A (No response.)
Q Was your husband, George Baker, a colored man? A Yes sir, Indian looking man.

Com'r Breckinridge: The applicant applies for the enrollment of herself and one child. Her marriage to one George Baker is reasonably established. She appears to have lived with him as his wife for many years, and the child for whom she applies is the youngest of that marriage. The applicant states that she has lived in the Cherokee Nation since she was a child, except a brief absence during the war, and that she has never at any time applied for enrollment, and she is not identified upon the roll of 1880 or upon the Kerns-Clifton roll nor upon the census roll of 1896, and her child Lizzie Baker is not identified upon either of the latter rolls. It is evident that the applicant was not a slave. Her life has been of an unsettled nature and there is no ground, at least at present, that seems to afford any right to enrollment at this time. The application for her enrollment and for that of her child, will be placed upon a rejected card, both of them being listed as Cherokee Freedmen, though it is doubtful whether the applicant through her mother is of African origin or of Indian origin; the applicant's husband is said to have been dead a number of years.

J.O.Rosson, being first duly sworn, on oath says that he is the Commissioner to the Five Civilized Tribes; that he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J.O.Rosson.

Subscribed and sworn to before me this 24th day of April, 1901.

To be filed in case of Aggie McGinnis, et al, Cher. Freedmen, R---

Department of the Interi or,
Commission to the Five Civilized Tribes,
Ft. Gibson, I.T., April 20th, 1901.

In the matter of the application of Rachel Baker for the enrollment of herself and one child as Cherokee Freedmen; said Baker being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name? A Rachel Baker.
Q How old are you? A I can't tell, as near as I can recollect I am about 65.
Q What is your post-office? A Benge.
Q In what district do you live? A In Sequoyah.
Q Do you want to be enrolled as a Cherokee Freedman? A Cherokee Freedman I reckon.
Q Do you want to enroll anybody besides yourself? A I got children to enroll, but some of them is here and some is not.
Q They are all grown are they? A I have got one 16 years old.
Q That is your youngest child? A Yes sir.
Q Is that the only one that is under 21 years of age? A Yes sir.
Q How long have you lived in the Cherokee Nation? A I have been here for years and years.
Q Have you been here all your life? A I have been here off and on all my life, first in the Choctaw Nation and here in the Cherokee
Q Where were you born? A I can't tell you that.
Q Where did you live up to the time you were 20 or 21 years of age? A I was ~~born~~ up here at the salt works.
Q You have been married have you? A Yes sir.
Q How many times have you been married? A I haven't been married but once.
Q To whom were you married? A Married a man by the name of Baker.
Q Give me his full name? A George.
Q How old were you when you married George Baker? AI don't know.
Q Give me as near as you can? A I reckon I was about, I was 16 years old I reckon, 16 or 17.
Q Where were you and George Baker married? A Married after we crossed over the line up there at the salt works.
Q Married in the Cherokee Nation? A Yes.
Q Have you been living a good long time in the Cherokee Nation when you and George Baker married? A Yes sir, just been living in the Cherokee Nation and going out and in the Choctaw Nation and over there in State and working, first one place and then another.
Q Working for yourself and making your own living? AYes sir. This man Baker I was with, I worked with him, and when I wanted anything and talking with him he would pay me.
Q He was your husband was not he? A No sir, his name was Jim Baker.
Q Your husband's name was George Baker? A Yes sir.
Q Who was this Jim Baker? A I don't know what he was.
Q Why did you go to him? A I don't know why; I had worked with him and stayed with him most of the time. I didn't think there was anywheres else for me to stay.
Q Did he have a farm? A Yes, he was working there around the salt works.
Q Working for day wages? A I was just working and they would pay me.
Q Was this man, Jim Baker, working for day wages? A I suppose so.
Q Sometimes you worked with him and sometimes you didn't work with him? A Yes sir. Sometimes I would be cooking and he would pay me and I would go to him and ask him for anything he would pay me.
Q What would you do with your money? A I would spend it.
Q Well then after a while you married a man by the name of George Baker? A Yes sir.
Q Was he any kin to Jim Baker? A I don't know that.
Q Where did you live when you and George Baker married? A I stayed there until the war come up.

Q Stayed there with your husband, George Baker? A Yes sir, just like I had been until the war come up.
Q You say sometimes you would work in the Cherokee Nation? A Yes sir, when he would not have work I would go somewheres else.
Q Sometimes in the States? A Yes sir.
Q One place and then another? A Yes sir.
Q Not one place more than another? AI would know where home was.
Q And you would go and stay as long as you pleased and come back when you pleased? A Yes sir.
Q Now when the war come up what did you and George Baker do?
A When they went to going off we went to.
Q Where did you go? A We went off to Texas and stayed around until about a year or ~~more~~ maybe more.
Q Did you go across Red River? A No sir, we went close to Red River, but I never did go to the river.
Q Did you go to Arkansas too? A Yes sir.
Q When the war was over you and George Baker came back? A Yes sir.
Q Is George Baker dead? A Yes sir.
Q How long has he been dead? A A little over 17 years.
Q You lived with him until he died? A Yes sir.
Q Well then from that time the war closed until George Baker died, did you live any one place? A I have been living with my son-in-law and first one of the children and then another.
Q Was that before George Baker died? A No sir.
Q I am talking about before George Baker died? AI was just knocking around, he was a sick man.
Q Did you have any regular home or did you and George Baker work at different place? A Just worked at different places and lived in a tent.
Q And you would go wherever you pleased? A Yes sir.
Q Sometimes in the Choctaw Nation? A Yes sir.
Q Sometimes in Arkansas? A Yes sir, I was going to For Smith I used to wash and so it would be.
Q You say he died? A Yes sir, he died there in Hot Springs Arkansas, he went there for his health and died there.
Q Now you have never married since he died? A No sir, I have not.
Q Well you married this George Baker sometime before the war?
A Yes sir.
Q What was he doing when you married him, just working for wages?
A Yes sir, wherever he could.
Q Sometimes in Arkansas and sometimes in the Territory.
A Yes sir.
Q What was before you married him? A Yes sir.
Q And after you married him? A Yes sir.
Q And before the war? A Yes sir.
Q He would keep his money and spend it and give you some of it?
A Yes sir, he would sure do that, give me some and spend some.
Q So what he made belonged to him and to you? A Yes sir.
Q Is that right? A Yes sir.
Q Well, now you claim to be a Cherokee Freedman? A Yes sir.
Q Who was your master before the war? A That is him, Jim Baker. I reckon.
Q As far as you know? A Yes sir, that is as far as I know.
Q Have you ever been put on any roll of the Cherokee Nation?
A No sir, I never have.
Q Give me the name of your child, that is the child that is 16 years old? A Lizzie Baker.
Q You say the child is 16? A Yes sir.
Q This is George Baker's child? A Yes sir.
Q George has not been dead quite 17 years? A I call it that.
Q Well thereabouts? A Yes sir.
Q Is this child living now? A Yes sir.
Q She has never been put on any roll? A No sir.

Q Was George Baker ever put on any roll? A If he was I didn't know it.

The 1880 authentic ated roll of citizens of the Cherokee Nation examined and applicant's name not found thereon. The 1896 census roll of citizens of the Cherokee Nation examined and the names of applicants not found thereon. The Kerns-Clifton roll of citizens of the Cherokee Nation examined and the names of applicants not found thereon.

Q It is evident that you were not a slave? A I never did apply for enrollment.
Q It is perfectly evident to me from what you say that you were always a free woman? AYes; that is what I always thought.
Q Well, then you have no rights as an ex-slave because you never were a slave? A (No response)

Examination continued by John F. Faulds, Attorney for applicant:

Q You came here before the war didn't you? A Yes sir.
Q Have you any idea how long before the war? A No sir.
Q Well, were you brought here by anybody? A Yes sir; I just come along with the people that was coming.
Q Were you subject to the orders of any person? A No, just about like any other child, but to say that I know more than that, I could not say.
Q You say that you think old Jim Baker was your owner? A That's what I thought.

JOHN WILLIAMS, called as a witness for applicant, having been sworn, testified as follows:
Examination by Commissioner Brackinridge:

Q Give your name? A John Williams.
Q How old are you? A 65 past.
Q What is your post-office? A Fort Smith, Arkansas.

By JOHN F. FAULDS, attorney for applicant:

Q Are you acquainted with this lade, Rachel Baker? A I have seen her a few times.
Q Do you know where she was residing before the war? AI know where she was at one time, and I believe it was the same woman.
Q When was that? A In 1860.
Q Where was that? A At the Drew Salt works.
Q What was she doing there? A She was cooking for the camp there at the salt works.
Q Do you know whether she had a master, whether she was a slave or not? A I do not, sir, never heard anybody say and didn't ask her about it.
Q Do you know that she has been here since 1866? A I have seen her passing in the country, she lived down on Lees Creek, I have seen her since 1870; I had not seen her from the time I seen her in 1866 until I saw her in 1870.

By W.W.Hastings, Cherokee Representative:

Q You testified in the case ofGeorge W. Vann? A Yes sir.
Q You testified then that you saw some colored woman cooking at these salt works? AYes sir.
Q You stated then that you saw this woman here for the first time? A I do.
Q Did? A Yes sir.
Q And that she had told you that she was the same person and made herself known to you? A No sir.

Q And you thought that she was the same person? A I did.
Q And you testified that you never saw her from the time you saw her at the salt works and the time you saw her now? A I think so.
Q You now say you saw her on Lees Creek in 1870? A Yes, I saw her when I was there.
Q How did you happen to see her? A I met her in the road.
Q You recollect the circumstance? A Yes sir.
Q That was ten years afterwards? A Ten years afterwards.
Q You had not occasion to know her at the salt works? A I was there several times.
Q Now thirty years afterwards you remember seeing the old colored person in the road up on Lees Creek? A Yes sir.
Q She was alone? A She was along the road going fromhouse to house I suppose.
Q Was any one along with you? A No sir.
Q No one with her? A I didn't see anybody with her there; I was ahead of my part, I had a party clos behind me.

By John F. Faulds:

Q You saw her at the salt works, that is the time you speak about before the war, and you had not seen her until the time in 1870 but you know this woman is the woman you have seen since 1870?
A Yes sir.
Q And when you saw her here a few days ago to appear here as a witness, then you recollected that this was the same old woman you saw in 1866? A Yes sir, I pointed her out over a hundred yards.
Q It was not until you came here as a witness that you made up your mind that she was the same woman that you had seen back in 1860
A That is it.

By. W.W.Hastings:

Q You recognized her on Lees Creek as the woman? A Yes sir.
Q And you recognized her here? A Yes sir.

George W. Vann, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A George W. Vann.
Q How old are you? A I will be 87 years old on the 27th day of December.
Q What is your post-office? A Benge.
Q How long have you lived in the Cherokee Nation? A I have lived here ever since; I moved here from the old nation.
Q

By John F. Faulds:

Q When did you first become acquainted with the applicant, Rachel Baker? A At the salt works.
Q When was that? A That was about the war, maybe about a couple of years before the war.
Q At the salt works, at Webbers' Falls in the Cherokee Nation before the war? A Yes sir.
Q What was she doing there? A Cooking.
Q Do you know whether or not she was a slave? A She was not, Jim Baker, because when she cooked for him along I would pay the money for her cooking to Jim Baker and Jim Baker seemed to be her guardian and they made a settlement every Saturday evening and I saw him take it and he would take it whenever we didn't pay he would say that he was her guardian and he would see that she got her money.
Q She is a colored woman? A Mixed with Indian and colored.
Q Now what time did you see her there if you remember? A Some time in 1860 I think.
Q When did you see her afterwards? A Some Well I never seed her

after we broke up there until about 1870. I was at Ft. Smith about 1870 and I saw her and had quite a laughing talk with her.
Q Do you know where she has been residing since that time? A I know some of it.
Q Where? A She has been part of the time up here in the Cherokee Nation, part of the time in the Cherokee Nation above Webbers Falls and some times in Fort Smith and sometimes in Van Buren and sometimes over in the Cherokee and sometimes I never knowed where she was.
Q Where has she made her home? For the last four or five years she has made her home down here on a colored man's place by the name of McDonald; the first time she seemed to make her home on the place of Payne, her son-in-law, and she left there and went to McDaniels place, and she is living there now.

By W.W.Hastings:

Q Where did you see her in 1870? A Fort Smith.
You never saw her in the Cherokee Nation? A Yes I have.
Q I mean when was the first time you saw her in the Cherokee nation after the was? A I saw her in 1360.
Q I mean after the war? A Oh I have seen her several times after the war.
Q Well tell me the first time after the war? A I don't know anything about it.

Rachel Baker, the applicant, re-called, testified as follows:
Examination by W.W.Hastings:

Q You testified for this man Vann didn't you? A Yes sir.
Q You testified that you came back here after the war? A I did.
Q You testified in that case that you came down in the river bottom this side of Fort Smith? A Yes sir.
Q You testified that you came along in a wagon? A Yes sir.
Q You testified that there were trains running along on the road but you did not rige on them? A No sir.
Q But they were running on the road when you came back after the war? A Yes sir.
Q You are positive about that? A Yes sir.
Q But you come in the wagons? A Yes sir.
Q Near what town did you locate down there? A I think, I don't know whether it was the Choctaw or Cherokee, but it was close down on the river.
Q Well, your trading point? A Wherever we could.
Q What was the town you went to trade at first? A Fort Smith I reckon.
Q Send and get a little some thing? A Yes sir.
Q How far did you live from Muldrow? A Seven or eight miles.
Q When you first came? A I think they called it seven or eight miles.
Q Who was keeping a store? A I don't know; I never go to Muldrow to trade; I have been to Muldrow but I don't know whether I ever went to Muldrow to trade in that day and time or not.
Q But you heard of the town? A Yes sir.
Q But you didn't go up there? A No sir.
Q You knew that there was a town by that name? A Yes sir, I know that there was a town and they called it by that name.

By Commissioner Breckinridge:

Q Do you remember your mother? A No sir.
Q Do you remember your father? A No sir, I don't know anything about my father, unless this Baker was my father; that is what he always told me.
Q Was Jim Baker a Cherokee? A Yes sir, Uncle George Vann he says he is half Cherokee.
[illegible]?

Q And what is the other half? A Negro, I reckon.
Q But you don't know about that? AIt is hard for me to say.
Q You don't know whether you are really a Cherokee or colored person?AI ma Cherokee; that is what I always thought; that is what this Jim Baker always told; this is how I happened to know I was there.
A That has been a long time; they never taught me anything only to just go and do.
Q Did Baker ever tell you that your mother was a Cherokee?
A No sir.
Q Did he call you a Cherokee? A Yes sir; I never seen my mother; if I did I never knowed it.
Q Wel you are an honest good old woman, but it is very hard to fix what your status is? AI can't help it, for I was not taught anything; I always thought I ought to have something.

By W.W.Hastings:

Q You never did apply at any time for any enrollment? ANo sir.
Q You have lived here all your life, and never did ask for any enrollment? AI never did know where to go.

George W. Vann, re-called, further testified; Examination by Commissioner Breckinridge:

Q Did you know that this woman was married to one George Baker?
A No sir.
Q Did you how that they did live together as man and wife?
A Yes sir, I have seen them sleep together, and get up out of bed.
Q You know that they lived together as husband and wife and they claimed to be husband and wife? A Yes sir.
Q Did she go by his name? A Yes sir.
Q And they lived that way a good many years did they as far as you know? A As far as I know.
Q You say you have known them pretty much all her life? A They would leave and come back and stay here some months.
Q And come back and they would be living together as husband and wife? A Yes sir, he was sick, and they would be together.
Q Did you ever know her and any other man to live as husband and wife? ANever did.
Q As far as you know then, she has lived as the wife of this man, George Baker, and with no other man until his death? A I never seed any other man with her in my life.
Q

Rachel Baker, the applicant, re-called, testified as follows:
Examination by John F. Faulds:

Q Where were your children born? A Some of them was born here and some of them born out, and one died on the road traveling; I don't know anything about it.
Q

By Commissioner Breckinridge:

Q How many children have you? A I have got ten.
Q Where was your child, Lizzie Baker, born, in the Cherokee Nation? A Yes sir, she was born in the Cherokee Nation.
Q Where was your oldest child born? A He was born on the road.
Q In what nation or state? A I reckon it must be near on the line coming back here.
Q On the Arkansas line? AYes sir, I was coming back.
Q Were any of your children born in Arkansas? A No sir, just got along on the, just coming along in a hurry.
Q I am trying to find out why then they were born in the Cherokee Nation or outside of the Cherokee Nation? A There was one that was

born outside and that is the one that died.
Q Where was that child born? A Born there in Arkansas.
Q What was the name of that child? AI can't tell you.
Q About what year wat that child born? A (No response.)
Q Was your husband, George Baker, a colored man? A Yes sir, Indian looking man.

Com'r Breckinridge: The applicant applies for the enrollment of herself and one child. Her marriage to one George Baker is reasonably established. She appears to have lived with him as his wife for many years, and the child for whom she applies is the youngest of that marriage. The applicant states that she has lived in the Cherokee Nation since she was a child, except a brief absence during the war, and that she has never at any time applied for enrollment, and she is not identified upon the roll of 1880 or upon the Kerns-Clifton roll nor upon the census roll of 1896, and her child Lizzie Baker is not identified upon either of the latter rolls. It is evident that the applicant was not a slave. Her life has been of an unsettled nature and there is no ground, at least at present, that seems to afford any right to enrollment at this time. The application for her enrollment and for that of her child, will be laced upon a rejected card, both of them being listed as Cherokee Freedmen, though it is doubtful whether the applicant through her mother is of African origin or of Indian origin; the applicant's husband is said to have been dead a number of years.

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J.O.Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J.O.Rosson.

Subscribed and sworn to before me this 24th day of April, 1901.
C.R.Breckinridge,
Commissioner.

I, M.D.Green, as stenographer to the Commission to the Five Civilized Tribes upon my oath state that the above is a true and complete transcript of the original transcript in the above entitled case, and that the original was written by J.O.Rosson, stenographer.

M D Green

Subscribed and swor to before me this April 25, 1901.

C R Breckinridge

Commissioner.

[illegible] Warren [illegible] 5

[illegible] that [illegible] you [illegible] A Yes sir.
[illegible] about it and having [illegible] in it,
[illegible] cars [illegible] when you came back? A Yes
sir, I [illegible] to tell [illegible] about it.

[illegible] representative, James S. Davenport:

Q You [illegible] when you came back? I come back, they
said it was [illegible] after the war.
Q We said [illegible] people, [illegible] and says it's about a year after
the war, [illegible] before.
Q Didn't [illegible] Vann tell you anything about it since you tes-
tified [illegible] A No sir, I haven't talked
to Uncle [illegible] Vann.
Q Did you talk to him at all since you testified the other day
in this case? A I didn't talk to him; I have been in the country.
Q You didn't see him a minute ago? A I saw him but I didn't
talk to him.
Q Didn't you see him when you came by just now? A I saw
him but I didn't talk to him.
Q You are [illegible] now to [illegible] afraid wasn't running up the Arkan-
sas River [illegible] When you came back? A Yes sir.

[illegible] A [illegible] Warren:

Q Is your [illegible] very distinct? A No, it isn't; my recollec-
tion [illegible] is; [illegible] is kind away and my mind is
[illegible].
Q You are very fickle in memory? A Yes, I am; I am getting old.

Examination by Cherokee Representative, James S. Davenport:

[illegible] Q; you ought not to do me
[illegible] education.

Counsel for [illegible] Warren does not appear
upon the [illegible] his now in the possession of this Com-
mission, [illegible] tion; she applies for the enroll-
ment of [illegible] herein enrolled herein; she
avers that she is [illegible] of the Cherokee Nation, and
that [illegible] Cherokee, and blood of one Cherokee;
to their citizenship, [illegible] sequently the application of Louise
Warren [illegible]

To be filed in case of Aggie McGinnis et al, Cher Freedmen R--

REJECTED:

Department of the Interior,
Commission to the Five Civilized Tribes,
Ft. Gibson, I.T., April 24, 1901.

In the matter of the application of Lucinda Warren for the enrollment of herself and five children as Cherokee Freedmen; being sworn and examined by Commissioner Needles, she testified as follows

Q What is your name- A Lucinda Warren.
Q How old are you? A 26.
Q What is your post-office address? A Benge, I.T.
Q What district do you live in? A Sequoyah.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q You apply to be enrolled by any other tribe or nation A No sir.
Q Have you ever been recognized by the Cherokee authorities as a Cherokee Freedman? A No sir.
Q Is your name on any of the rolls of the Cherokee Nation? A No sir.
Q What is your father's name? A George Baker.
Q Is he living? A No sir.
Q What is your mother's name? A Rachel Baker.
Q Is she living? A Yes sir.
Q Who do you want to enroll besides yourself? A Just me and my children.
Q How many children? A I have got 5.
Q Give me the names of your children? A Samuel Warren.
Q How old is he? A10 years old.
Q Next one? A George Warren.
Q How old is George? A Six years old.
Q Next one? A Henry Warren.
Q How old is Henry? A4 years old.
Q Well, next one? A Jennie Lee Warren.
Q How old is she? A She is 3 year old.
Q Next one? A Dina Warren.
Q How old is Dina? A She will be a year old this June.
Q Was your mother a recognized citizen of the Cherokee Nation, recognized Freedman? A Yes sir.
Q Is her name on the rolls of the Cherokee Nation? A (No reply)

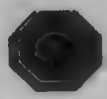
Examined by attorney, A.S.McRea, (Colored:)

Q Mrs. Warren, where were you born? A In Sequoyah.
Q IS that in the Cherokee Nation? A Yes sir.
Q How long have you lived in the Cherokee Nation? A Ever since I growed up and know.
Q Lived there all your life? A Well I have been out over in Ft. Smith once in a while, but I wasn't out long.
Q You have always claimed the Cherokee Nation as your home? A Yes sir.
Q Have you no recollection of your father? A Yes sir.
Q How long has he been dead? A As near as I can come at it, he has been dead about 15 years; something along about there.
Q Was your father a slave? A Yes sir.
Q To whom did he belong? A Mr. Jim Baker.
Q Does your knowledge-- has your father always lived in the Cherokee Nation? A Up until the time of his death? A Yes sir.
Q You are married? A Yes sir.
Q Where did you marry at? A In the Territory.
Q In Sequoyah District in the Cherokee Nation? A Yes sir.
Q Is your husband living? A Yes sir.
Q Is he a Cherokee Freedman? A No sir, state man.
Q What is his name? A Simon Warren.

Examined by Cherokee Representative, James S. Davenport:

Q How old are you? A 26.

CORRECTION



The preceding document(s) has been refilmed to assure legibility and its image appears immediately hereafter.

To be filed in case of Aggie McGinnis et al, Cher Freedmen R--

REJECTED:

Department of the Interior,
Commission to the Five Civilized Tribes,
Ft. Gibson, I.T., April 24,1901.

In the matter of the application of Lucinda Warren for the enrollment of herself and five children as Cherokee Freedmen; being sworn and examined by Commissioner Needles, she testified as follows

Q What is your name- A Lucinda Warren.
Q How old are you? A 28.
Q What is your post-office address? A Benge, I.T.
Q What district do you live in? A Sequoyah.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Have you ever applied to be enrolled by any other tribe or nation A No sir.
Q Have you ever been recognized by the Cherokee authorities as a Cherokee Freedman? A No sir.
Q Is your name on any of the rolls of the Cherokee Nation? A No sir.
Q What is your father's name? A George Baker.
Q Is he living? A No sir.
Q What is your mother's name? A Rachel Baker.
Q Is she living? A Yes sir.
Q Who do you want to enroll besides yourself? A Just me and my children.
Q How many children? A I have got 5.
Q Give me the names of your children? A Samuel Warren.
Q How old is he? A 10 years old.
Q Next one? A George Warren.
Q How old is George? A Six years old.
Q Next one? A Henry Warren.
Q How old is Henry? A 4 years old.
Q Well, next one? A Jennie Lee Warren.
Q How old is she? A She is 3 year old.
Q Next one? A Dina Warren.
Q How old is Dina? A She will be a year old this June.
Q Was your mother a recognized citizen of the Cherokee Nation, recognized Freedman? A Yes sir.
Q Is her name on the rolls of the Cherokee Nation? A (No reply)

Examined by attorney, A.S.McRea, (Colored:)

Q Mrs. Warren, where were you born? A In Sequoyah.
Q IS that in the Cherokee Nation? A Yes sir.
Q How long have you lived in the Cherokee Nation? A Ever since I growed up and know.
Q Lived there all your life? A Well I have been out over in Ft. Smith once in a while, but I wasn't out long.
Q You have always claimed the Cherokee Nation as your home? A Yes sir.
Q Have you no recollection of your father? A Yes sir.
Q How long has he been dead? A As near as I can come at it, he has been dead about 15 years; something along about there.
Q Was your father a slave? A Yes sir.
Q To whom did he belong? A Mr. Jim Baker.
Q Does your knowledge-- has your father always lived in the Cherokee Nation? A Up until the time of his death? A Yes sir.
Q You are married? A Yes sir.
Q Where did you marry at? A In the Territory.
Q In Sequoyah District in the Cherokee Nation? A Yes sir.
Q Is your husband living? A Yes sir.
Q Is he a Cherokee Freedman? A No sir, state man.
Q What is his name? A Simon Warren.

Examined by Cherokee Representative, James S. Davenport:

Q How old are you? A 26.

Q You don't know where your father was living when the war broke out? A No sir.
Q You don't know where he was living when the war closed do you? A When the war closed as near as I hear mother talk--
Q I asked you what you ~~kxx~~ knew yourself? AI don't know anything about; about the war.
Q Your father claimed to be a slave of Jim Baker? A Yes sir.
Q Where did Jim Baker live? A He lives here in the Territory, in Sequoyah District, down there somewhere.
Q Sequoyah, Choctaw Nation? A No sir, down in the Cherokee Nation
Q Where were you living when you can first remember? A In Sequoyah.
Q Who were you living with? ALiving with my mother and brother-in-law.
Q Who was your brother-in-law? AAaron Pegee.
Q Where have you lived since you grew up to be a woman? A I was living here.
Q All the time? A Not all the time; I staid over in Ft. Smith about four months.
Q That all the time you ever staid outside of the Cherokee Nation, when you lived at Ft. Smith four months? A Then I went back and worked about four weeks.

Examined by Commissioner Needles:

Q Are these children alive and living with you? A Yes sir.

GEORGE W. VANN, being sworn and examined by Commissioner Needles, testified as follows:

Q Your name is George W. Vann? A Yes sir.
Q 87 years old? A Yes sir, goingon that, I will be 87 on the 27th of December next.
Q Your post-office is Benge? A Yes sir.

Examined by Attorneyk A.S.McRea,

Q Are you acquainted with the applicant, Mrs. Warren, Mr. Vann? A I am.
Q How long have you known her? A I guess I have knowed her pretty near all her life.
Q Where was she born? A She was born in the Choctaw Nation, right side of the line of Ft. Smith.
Q How long has she lived in the Cherokee Nation? A Backwards and forwards all her life. Choctaw and Cherokee joins right there at the bridge and she was sometimes in the Choctaw and sometimes in the Cherokee, but her home is in the Cherokee.
Q Were you acquainted with her father, George Baker? A Yes sir.
Q When did you first know her father, George Baker? AI don't know; can't tell you that.
Q Was it before the war? A Yes sir.
Q Where was her father, George Baker, in 1865? A He was in the Cherokee Nation.
Q Did he ever go out of the Cherokee Nation during the time of hostilities between the north and the south? A Yes sir, I saw him at Ft. Smith several times, right across the river.
Q Did he return back? A Yes sir, crossed the river.
Q When? AOh, returned whenever he wanted to; just across the river.
Q He was always lived in the Cherokee Nation, A So far as I know.
Q Did you and he often meet, were you neighbors? A Oh yes, right there close.
Q Do you know when he died? A No not only hearsay; I understand he died down at Hot Springs I don't know myself.

Examined by Cherokee Representative, James S. Davenport

Q Where was he living when you first knew him? A Before the war he was living first I knew him he was living about Webbers Falls.
Q Was he working at the Salt Works too? A Yes sir, working; hi and his wife.
Q They were cooking for Baker? A Yes sir.
Q When did they quit cooking for Baker? A I worked there about three months and I left and come back.
Q How long was that before the war? A About 2 years before the war.
Q Had you seen them after you left the salt works 2 years before the war until the war broke out? A Yes, I saw him once at Webbers Falls.
Q Then when did you see them after the war closed? A I saw them at Webbers Falls. And I saw them down on this side of the river near the Sheppard farm two or three times.
Q Do you know where he was during the war? A Not all of the time of it I don't.
Q You know where his family was living when he died at Hot Springs? A I don't know that I do. His children I think- I don't know- it seems to me like his wife went with him; I went be certain. I don't know where the children were.
Q You say they lived back and forth in the Cherokee Nation- they were regarded-- what side of the Arkansas River did they live? A On the west side.
Q They were living in the Choctaw Nation when this woman was born? A Yes sir. Right there close to the bridge.
Q Were they cooking for Campbell LeFlore too? A Yes sir, the old lady.

Examined by Attorney A.S.McRea:

Q Who was Campbell LeFlore? A Choctaw Indian, lives right there at the end of the bridge.
Q You say the mother of this girl cooked for Mr. Bakr, their owner? A Yes sir, both cooked right there at the salt works together, I was working there.
Q Was her father a slave of Jim Baker? A Said to be.
Q And he worked there and Mr. Jim Baker, the owner, always came and collected his wages? A I don't know about that; seemed to take charge of him; I never heard that he collected his wages; I think he just took them himself; he was their master and I think he just made him work for him.

Examined by Commissioner Needles:

Q You know Rachel Bakr, George Baker's wife? A Oh yes sir.
Q Was she a slave? A I think she was sir.
Q She was the mother of Lucinda? A Yes sir.
Q Lucinda Warren? A Yes sir.
Q You don't know whether Rachel Baker was a slave or not? A I think she was; she was always under Baker.
Q Who did she belong to? A Jim Baker had jurisdiction over her and she had to mind him.
Q Jim Baker had jurisdiction over George and Rachel Baker? A Yes sir.

Examined by Cherokee Representative, James S. Davenport:

Q Where was Jim Baker living? A At the salt works.
Q Was he living there? A Yes sir, house and home and his family. He only staid there about three months.
Q About two years before the war? A Yes sir.

RACHEL BAKER, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Rachel Baker.
Q How old are you? A I am about 59 or 60 or 64 or 5.
Q What is your post-office? A Benge.
Q You know Lucinda Warren? AYes sir.
Q What relation is she to you? A Why she is my daughter.
Q She is? A Yes sir.
Q Well!
Q Was you a slave, Rachel? AYes sir.
Q Who did you belong to? A Baker.
Q What Baker? AI don't know; I forgot, Jim or John Baker, one or the other; it has been so long it was a Baker anyhow.

Examined by attorney, A.S.McRea:

Q You say you belonged to Jim Baker? A It was Jim Baker or John Baker, I disremember; it was a Baker.
Q Were you a slave? A Yes sir; my husband and me was together.
Q Have you ever applied to be enrolled as a Cherokee Freedman before? A No sir, never applied for anything.
Q Never applied before you say? A No sir.
Q Where were you born? AI don't know, I must have been born in the old state.
Q Where were you when you first recollect anything of yourself?
A Here in the Territory.
Q In the Cherokee Nation? A In the Cherokee Nation; and I reckon Baker must have brought me.
Q Have you any recollection of the war? A Yes sir.
Q Where were you in 1865? A I reckon I was here; I can't tell anything about anything else only here.
Q Did you go out of the Territory during the hostilities? AI went out, yes sir, and staid out awhile and come back.
Q Can you state how long you staid out? A No sir, I can't state that.
Q Do you know when you returned? A I returned back after the war.
Q Immediatelt after the war? A No, I reckon I was gone about a year, maybe not quite so long.
Q Where were you in '66? A I don't know nothing about no '66; I couldn't keep count of the years.
Q That was a year from-- the closing of hostilities was in '65, and you say you came here about a year after the war closed? A Yes sir, as near as I can come at it.
Q And you say Lucinda Warren is your daughter? A Yes sir.
Q Is George Baker your father? A Yes sir.

Examined by Commissioner Needles:

Q You applied here on the 20th day of April to be enrolled did you not? A Yes sir.
Q Did you state then that when you returned to the Cherokee Nation after the war the cars were running on the Arkansas Valley road?
A I said so, but I will take that back, since I have looked into it I don't recollect nothing about that; I was brought here small and I can't tell much about the people, and nothing about the dates the months the years and things.
Q You know whether there was a railroad running or not? A I did think there was, but since I studied it I know there wasn't, for we come back in wagons.
Q You have been talking to somebody else about it since that?
A No sir.
Q Nobody ever mentioned to you that you swore to the railroad running until I mentioned it to you now? A No sir, well me and my children was talking itover.
Q And your attorney, this gentleman, was talking to your about it?
A Yes sir.
Q You were talking to your attorney and your children, that's natural, about the testimony you gave the other day, when you stated

that the cars were running when you came back? A Yes sir.
Q And after talking to them about it and having them explain it, you concluded the cars wasn't running when you came back? A Yes sir, I don't want to tell no lie about it.

Examined by Cherokee Representative, James S. Davenport:

Q You don't remember when you came back? I come back, they said it was about a year after the war.
Q Who said so? AMy people, my husband says it's about a year after the war, or maybe before.
Q Didn't George Vann tell you anything about it since you testified the other day? A No sir.
Q You have talked to him about it? A No sir, I haven't talked to Uncle George Vann.
Q Did you talk to him at all since you testified the other day in this case? AI didn't talk to him; I have been in the country.
Q You didn't see him a minute ago? A I saw him ut I didn't talk to him.
Q Didn't you see him before you came in here just now? A I saw him but I didn't talk nothing to him.
Q You are satisfied now the railroad wasn't running up the Arkansas River on this side, when you came back? A Yes sir.

Examined by Attorney A.S.McRea:

Q Is your recollection very distinct? A No, it aint; my recollection is just like my age; my age is going away and my mind is going away.
Q You are very fickle in memory? A Yes, I am; I am getting old.

Examined by Cherokee Representative, James S. Davenport:

Q Have you a changeable memory? A Yes sir, you know I am changeable when you all get to questioning me; you ought not to do me that way; I am older than you are and got no education.

Com'r Needles: The name ofLucinda Warren does not appear upon ~~the~~ any of the rolls now in the possession of this Commission,-of the Cherkee Nation; she applies for the enrollment of herself and five children enumerated herein; she avers that she is a child of George and Rachel Baker, and that they were Cherokee Freedmen, and slaves of one Baker; the proof is not satisfactory as to their residence, nor as to their citizenship, consequently the application of Lucinda Warren for the enrollment of herself and five children will be rejected, with the understanding that the attorney for the applicants can have the case re-instated at any time by presenting sufficient testimony in order to justify the same.

-----*****-----

M.D.Green,being first duly sworn,states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D.Green

Subscribed and sworn to before me this April 25,1901.

Commissioner.

To be filed in case of Aggie McGinnis, et al, Cher. Freedmen, R --

SUPPLEMENTAL: Rachel Baker. R 6v

Department of the Interior,
Commission to the Five Civilized Tribes,
Ft. Gibson, I.T., April 20,1901.

In the matter of the application of Rachel Baker for enrollment as a Cherokee Freedman;
George W. Vann, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give your full name? A George W. Vann.
Q How old are you? A I will be 87 on the 27th day of December.
Q What is your post-office? A Benge.
Q You have given testimony I believe heretofore in the case of Rachel Baker? A Yes sir.
Q You want to give some additional testimony now; did you know her husband? A Yes sir.
Q What was his name? A He was a Baker.
Q You remember his full name? AThat's all I know;Baker.
Q You know whether he was a white man or colored man? A Black man; black a man as I am.
Q Did you know him before the war broke out between the North and the South? A Yes sir, I never knowed him until I went up there to the Salt Works, and that's the first I knowed him or her ary one.
Q That was before the war? A Yes sir.
Q How long did you know him before the war? A About two years.
Q Was he a free man or a slave? A I do not kow.
Q You didn't see anything of him during the war? A Yes I did.
Q Where did you see him during the war? A First place I saw him I saw him at Ft. Smith.
Q That was while the war was going on? A Yes sir.
Q What did you see of him after the war? A Ft. Smith and Webbers Falls.
Q When did you first see him after the war? A Ft. Smith I believe
Q And did you see him often after that? A Yes sir, I asaw him on this side of the river sometimes and some times on the other side; saw her and him at Van Buren sometimes; I missed him, she said they went to Hot Springs and was gone a long time, and I have never seen him since.

Examined by Cherokee Representative, W.W.Hastings:

Q About how long were they gone? A I think two or three months, maybe more.

Examined by attorney for applicant, A.S.McRae(colored):

Q Mr. Vann, well, yes, you say you met her husband before the war? A Yes sir.
Q At the Salt Works the first place? A Yes sir.
Q What was he doing there? A She was cooking and he was helping about the cooking.
Q Did you ever hear him make mention of his owners? ANever did.
Q Whether he was a free man or a slave? ANever did.
Q You always know they lived together before the war and since as husband and wife? A Yes sir; lived together as husband and wife; I never see nobody else with her.

Com'r Breckinridge: In the course of the examination in this case the applicant has testified that when she came back to the Cherokee Nation after the war she saw the cars running on the railroad up the Arkansas Valley, this side of Ft. Smith. When I was a member of Congress, some time between 1892 and 1894 I introduced and had passed the bill granting the charter for that railroad, and of course it was built

after the date first mentioned, and she could not, therefore, have seen the railroad or the train at any time prior to 1870.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this April 25, 1901.

C. Workman

Commissioner.

DEPARTMENT OF THE INTERIOR, WTS
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Rachel Baker et al., as Cherokee freedmen, consolidating the applications of:

Rachel Baker et al	Cherokee Freedmen		R 87
Diannah Piggies et al	"	"	R89
Lucinda Warren et al	"	"	R 64
Aggie McGinnis et al	"	"	R 65
Amanda Counts et al	"	"	R 194

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by, Rachel Baker for herself and her minor daughter, Lizzie Baker; by Diannah Piggies for herself and her minor children, Edgar, William L., Bessy and Wilson Piggies; by Lucinda Warren for herself and her minor children, Samuel, George, Henry, Jennie L. and Dina Warren; by Aggie McGinnis for herself and her minor children, Aurilla, Daniel, Mackey, Lucinda, Rachel, Granville and Sylvester McGinnis, and by Amanda Counts for herself and her minor son, Alphonso Counts.

The evidence shows that Rachel Baker is the mother of the principal applicants hereinbefore mentioned, and was not the slave of a Cherokee citizen or a free colored person, residing in the Cherokee Nation at the commencement of the rebellion. It is further shown that the said Rachel Baker removed from the Cherokee Nation during the rebellion and did not return thereto within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., versus the Cherokee Nation et al., for the return of freedmen to said Nation. The principal applicants in these several cases were born subsequent to 1866 and can possess no rights not acquired by their said mother, Rachel Baker, and their several minor children, applicants herein, acquire no rights as Cherokee freedmen not possessed by their said respective mothers.

Neither the said Rachel Baker, mother of, nor any of the principal applicants herein, then living, are identified on the Cherokee authenticated roll of 1880.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Rachel Baker, Lizzie Baker, Diannah Piggies, Edgar Piggies, William L. Piggies, Bessy Piggies, Wilson Piggies, Lucinda Warren, Samuel Warren, George Warren, Henry Warren, Jennie L. Warren, Dina Warren, Aggie McGinnis, Aurilla McGinnis, Daniel McGinnis, Mackey McGinnis, Lucinda McGinnis, Rachel McGinnis, Granville McGinnis, Sylvester McGinnis, Amanda

Grants and Highways Funds to Counties System should be applied under the provisions of Section [illegible] of the Act of Congress approved June 24, 1948 (62 Stats., 568), and it is an express condition to the [illegible]

(Signed) [illegible]
Secretary.

(Signed) [illegible]
Commissioner.

(Signed) [illegible]
Commissioner.

Dated at Washington, Indian Territory,
this [illegible] day of [illegible] 1954

COPY.

Cherokee Freedmen
R 68

Muskogee, Indian Territory, May 3, 1904.

Aggie McGinnis,

Benge, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself and your six minor children, Aurilla, Daniel, Mackey, Lucinda, Rachel, Granville and Sylvester McGinnis, as Cherokee freedmen, together with a copy of the Commission's decision dated April 20, 1904, in the consolidated case of Rachel Baker, et al., rejecting, among others, your said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.

Encl. V-83

Register.

Chairman.

Cherokee Freedmen
R 57, et al.

Muskogee, Indian Territory, May 3, 1904.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, in the consolidated case of Rachel Baker, et al., rejecting the applications for the enrollment of Rachel and Lizzie Baker, Diannah, Edgar, William L., Bessy and Wilson Piggies, Lucinda, Samuel, George, Henry, Jennie L. and Dina Warren, Aggie, Aurilla, Daniel, Mackey, Lucinda, Rachel, Granville and Sylvester McGinnis, and Amanda and Alphonso Counts as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Encl. V-55

COPY.

Cherokee Freedmen
R 57, et al.

Muskogee, Indian Territory, May 3, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith inclosed the record of proceedings had in the consolidated case of Rachel Baker, et al., including the Commission's decision dated April 20, 1904, rejecting the applications for the enrollment of Rachel and Lizzie Baker, Hannah, Edgar, William L., Bessy and Wilson Biggins, Lucinda, Samuel, George, Henry, Jennie L. and Dina Warren, Aggie, Aurilla, Daniel, Hockey, Lucinda, Rachel, Granville and Sylvester McGinnis, and Amanda and Alphonso Counts as Cherokee freedmen.

Respectfully,

Tams Bixby

Chairman.

Encl. V-86

Through the
Commissioner of Indian Affairs.

(C O P Y)

-Copy-

3 Encls.

Refer in reply
to the following:
Land
30804-1904

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, Sept. 17, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated May 3, 1904, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen, by Rachel Baker for herself and her minor daughter , Lizzie Baker; by Diannah Piggies for herself and her minor children, Edgar, William C Rossy and Wilson Piggies; by Lucinda Warren for herself and her minor children, Samuel, George, Henry, Jennie L., and Dina Warren; by Aggie McGinnis for herself and her minor children, Aurilla, Daniel, Mackey, Lucinda, Rachel, Granville and Sylvester McGinnis and by Amanda Counts for herself and her minor son, Alphonso Counts.

April 20, 1904, the Commission decided adversely to the applicants.

The record shows that Rachel Baker is the mother or grandmother of all of the other Applicants who were all born since 1866 and possess no title to enrollment except such as may be derived from her.

It is further shown that Rachel Baker was not the

slave of a Cherokee citizen or a free colored person residing in the Cherokee Nation at the beginning of the war of the rebellion, and that she did not return to the Cherokee Nation on or before February 11, 1867.

None of the applicants is identified on any roll pertaining to the Cherokee Nation.

The petition for a rehearing filed by the applicants has been duly considered.

In view of the record the approval of the Commissioners decision adverse to the applicants is recommended.

Very respectfully,

A. C. TONNER
Actg. Commissioner

M. M. M.
L.

(C O P Y)

W.C.F.
FHR
J.P.

D.C. 37736-1904.
I.T.D.7584-1904

DEPARTMENT OF THE INTERIOR

WASHINGTON.

October 1, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

May 3, 1904, you transmitted the record in the consolidated Cherokee freedmen case of Rachel Baker, et al (F.K.-57) including your decision of April 20, 1904, rejecting the applicants

The Department has duly considered a motion for rehearing filed by the applicants

Reporting in the matter September 17, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully

(Signed) Thos Ryan
Acting Secretary

1 inclosure

COPY.

Cherokee Freedmen
2-65

Muskogee, Indian Territory, October 25, 1904.

Aggie McGinnis,

Dongo, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision, dated April 20, 1904, rejecting, among others, the application for the enrollment of yourself, and minor children, Aurilla, Daniel, Mackey, Lucinda, Rachel, Granville and Sylvester McGinnis, as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 1, 1904.

Respectfully,

Tams Bixby
Chairman.

COPY.

Cherokee Freedmen
R-69 et al.

Muskogee, Indian Territory, October 26, 1904.

Hall, Hastings and Davenport,
Attorneys for Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision, dated April 20, 1904, rejecting the applications for the enrollment of Rachel and Lizzie Baker, Dismuke, Edgar, William L., Henry and Wilson Piggies, Lucinda, Samuel, George, Henry, Jennie L., and Dina Warren, Aggie, Aurilla, Daniel, Hackey, Lucinda, Rachel, Granville and Sylvester McGinnis, and Amanda and Alphonso Counts as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 1, 1904.

Respectfully,

SIGNED Tams Bixby
Commissioner.

ENROLLMENT REFUSED.
CHEROKEE FREEDMAN.

IN THE MATTER OF THE APPLICATION OF

Aggie McGinnis et al

FOR ENROLLMENT AS

CHEROKEE FREEDMEN

A. Original testimony April 20 1904
B. Wms. of application " "
C. ~~Testimony from case of Rachel Baker~~
D. Testimony from case of Lucinda Warren
E. Supplemental ~~testimony~~ copy of Rachel Baker testimony from

April 20. 1904.

Oct. 1. 1904

Cherokee Freedmen
Jackets 57 59

Cher Fr R 66

Cher Fr R 66

REJECTED, as to Children, BUSTER AND GIPTOR VANN:
DOUBTFUL, as to Child, GEORGE VANN:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., APRIL 25th, 1901.

In the matter of the application of James Vann for the enrollment of himself and three children as Cherokee Freedmen; said Vann being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A James Vann.
Q What is your age? A About 38.
Q What is your post office address? A Fort Gibson.
Q What district do you live in? A Cherokee Nation.
Q Well, what district? A I live here.
Q Illinois District? A Yes, sir.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Did you ever apply to be enrolled by any other tribe or Nation?
A No, sir.
Q Did you ever draw any money from any other tribe? A No, sir.
Q Have you been recognized by the Cherokee authorities as a Cherokee Freedman? A Yes, sir.
Q Is your name on the roll of 1880? A Yes, sir.
Q Who do you want to enroll besides yourself? A Myself and two children.
Q What is the name of youroldest child? A George Vann.
Q How old is he? A 15.
Q What is the name of the next child? A Buster.
Q How old is he? A Five years old.
Q The next one? A Four, the 26th of August.
Q What is its name? A Giptor.
Q Are you married? A No, sir.
Q Were you ever married? A No, sir, I lived with a woman.
Q What is the name of mother of these children? A Georgia.
Q Georgia what? A Georgia Estridge is the mother of the two youngest.
Q Is she a citizen? A No, sir.
Q What is the name of the mother of the oldest one? A Avus Poorbear.
Q Is she a citizen? A Yes, sir, I suppose so.
Q Is she living? A Yes, sir.
Q Were you ever married to Avus Poorbear? A No, sir.
Q Were you ever married to Georgia Estridge? A No, sir.
Q Did you ever live with them as man and wife? A Yes, sir.
Q Did you ever live with Georgia Estridge as her husband? A Yes, sir.
Q How long? A About seven years.
Q Is she living? A Yes, sir.
Q Did you ever get a divorce from her? A No, sir/
Q Did you ever live with Avus Poorbear as your wife? A No, sir, just stopped, used her.
Q Have you got anybody here that you can prove that you lived with Georgia Estridge as your wife? A This is the woman that I lived with her as her main wife, Nancy Vann.
Q Was Nancy Vann and you living together when George was born?
A Yes, sir.
Q What was your father's name? A Daniel Vann.
Q What was your mother's name? A Lottie Vann.

The 1880 Authenticated Roll of citizens of the Cherokee Nation examined and applicant's name found thereon, page 598, #2085, James Vann, Illinois District.
The 1896 Census Roll of citizens of the Cherokee Nation examined and applicants' names found thereon as follows:
Page 969, #713, James Vann, Illinois District.
Page 969, #714, George Vann, Illinois District.
Page 969, #715, Buster Vann, Illinois District.

Q Now, I understand you to say, Mr. Vann, that your wife was Nancy Vann? A My first wife.
Q She is still living? A Yes, sir.
Q And that you were living with Nancy Vann when George wasborn?
A Yes, sir.
Q And George was born by a woman named Georgia Estridge? A No, sir; woman by the name of Avus Poorbear, that is the oldest one.
Q Is this Poorbear a Cherokee citizen or Freedman? A Cherokee citizen.
Q You never pretended to be married or live as man and wife and as her husband? A No, sir.
Q You were married to Nancy Vann at that time were you?
A Not lawfully married to her; I had been living with her 15 or 16 years.

COM'R NEEDLES:--The name of James Vann is found upon the authenticated roll of 1880 as well as the census roll of 1896. He is duly identified and makes satisfactory proof as to residence and will be listed for enrollment as a Cherokee Freedman.

He applies for the enrollment of a child, George Vann, whom he avers is the child of Avus Poorbear. He avers that Avus Poorbear is a Cherokee citizen, but her name cannot be found upon the authenticated roll of1880. The name of said George Vann, averred son of James Vann, will be placed upon a doubtful card, awaiting proof of the citizenship of his mother, Avus Poorbear.

He avers that the two children, Buster and Giptor, are the children of one Georgia Estridge, a non-citizen, and that he was never married to her, consequently his application for the enrollment of his two children, Buster and Giptor, will be denied, and their application for enrollment as Cherokee Freedmen will be rejected.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Rosson

Subscribed and sworn to before me this 26th day of April, 1901.

Commissioner.

FILED
JUL 31 1904
COMMISSION TO FIVE TRIBES.

e 7R66

7R66

Cherokee freedmen
D 175 and R 66.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I. T., JUNE 22, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of GIPTOR VANN, ET AL., and GEORGE VANN as Cherokee freedmen.

It appears that on June 11, 1904, the attorney for the Cherokee Nation and James Vann, the father of the applicants, were notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on June 22, 1904, and then and there introduce further testimony touching the points mentioned in said letter.

APPEARANCES:
Applicants represented by their father, James Vann.
Cherokee Nation by its attorney, James T. Davenport.

JAMES VANN, being first duly sworn, testified as follows on behalf of the applicants:

By the Commission:
Q What is your name? A James Vann.
Q How old are you? A About 45 years.
Q What is your postoffice address? A Fort Gibson.
Q You have heretofore applied for the enrollment of your children, George, Giptor and Hester Vann, as Cherokee freedmen? A Yes, sir.
Q How old is George Vann? A About 17 this coming September 2nd.
Q What is the name of his mother? A Avis Poorbear.
Q Was she a citizen of the Cherokee Nation? A Yes, sir.
Q Was she a Cherokee by blood? A Yes, sir.
Q Is she living? A Yes, sir.
Q Where does she live now? A Fort Gibson, I think.
Q What is her present name? A Watson, I think, is her present name, since she got married.
Q How old is she now? A I don't know, sir.
Q Were you ever married to her? A No, sir.
Q Did you ever live with her? A No, sir.
Q Where was your child, George, born? A Fort Gibson.
Q Was this woman, Avis Poorbear, living there then? A Yes, sir.
Q You were living there? A Yes, sir.
Q You never lived with her and were never married to her? A No, sir.
Q Do you know whether or not she has been enrolled by this Commission as a Cherokee by blood? A I suppose she has.
Q Do you know whether or not she has any family now? Not now, but herself?
Q Do you know under what name she enrolled? A No, sir, I don't.
Q How long has she gone by the name of Watson? A I expect 16 or 17 years, maybe longer; would not be positive.
Q From did you first get acquainted with her? A I have been knowing her all her days.
Q Is she as old as you are? A No, sir.
Q Do you know where she was living about 1880? A Fort Gibson, I suppose.
Q Has she got any children? A None but that one.
Q Where has this child, George, been living since birth? A Right with me.
Q Always lived with you? A Yes, sir, ever since he could eat alone.

Q Has Avis Poorbear always lived about part Gibson in the Cherokee Nation? A Yes, sir, as long as I have known her.
Q And you have known her since she was a small child? A Yes, sir, for twenty years, maybe longer.
Q If it should be found that your child, George, is entitled to be enrolled either as a Cherokee freedman or as a Cherokee by blood, which way do you prefer to have him enrolled, as a Cherokee freedman? A Yes, sir.
Q Since you have known her has she ever gone by any other name besides Watson and Poorbear? A No, sir, not as I know of.
Q Did she ever have any given name besides Avis? A Not as I know of.
Q Is her mother alive? A Yes, sir.
Q What is her name? A Fanny.
Q Poorbear? A Yes, sir.
Q Are they fullblood Cherokee Indians? A Yes, sir, I think they are halfbreeds.
Q Are they Indian and white or Indian and colored? A Indian and white, I guess.
Q Has Avis Poorbear got any brothers or sisters? A Willie Clark is her halfbrother.
Q Was she married to a man named Watson? A Yes, sir.
Q What was his full name? A She married a railroad man by the name of Watson after this boy of mine was born.
Q Is she living with him now? A No, sir, not living with anybody at all now as I know of.

By Mr. Davenport:
Q You said you never were married to Avis? A No, sir.
Q You had a wife at that time, didn't you? A I had a woman, yes, sir.
Q What was her name? A Nancy Vann, sometimes there, a part of the time she was gone.
Q You were never divorced from her? A No, sir.
Q And this child that you claim was born, Avis Poorbear was the mother of, while you were living with Nancy as your wife? A Yes, sir.

By the Commission:
Q Was Avis Poorbear married to any man or living with any man when this child, George was born? A No, sir.
Q Had she been living with any man for a year before that? A Not as I know of.
Q She wasn't married? A Not as I know of.
Q Who is the mother of Gipter and Buster Vann? A Georgia Brown.
Q Is she living? A Yes, sir.
Q Is she a Cherokee citizen? A No, sir.
Q A white woman? A No, sir, colored woman.
Q State woman? A Yes, sir.
Q How old is Buster Vann? A He was born July 26, 1896, and Gipter Vann was born August 20, 1897.
Q Were you married to the mother of these children? A No, sir.
Q Where were they born? A There at home on my place.
Q At Fort Gibson? A Yes, sir.
Q Were you living with this woman at that time? A Yes, sir.
Q You had no other wife then? A My other wife was around, but she was gone; she was there sometimes and sometimes she was gone.
Q Where have these two children, Gipter and Buster, lived since their birth? A Right at home.
Q Always lived with you? A Yes, sir.
Q Where does Georgia Brown live now? A At home.
Q At your place yet? A Yes, sir.

Q Has she lived there ever since these children were born? A Yes, sir, off and on ever since they were born; sometimes she comes and goes.
Q Does she ever take the children away with her? A No, sir, they have been right there at home with me.
Q Was she living with any other man or did she have a husband at the time these children were born? A No, sir.

By Mr. Davenport:
Q Let me understand you. Do these children live in your house as part of your family, with your wife Nancy? A Yes, sir, been right there.
Q Where does the mother of these children live, in your house?
A No, sir, in another house.
Q Hasn't she lived in another house all the time since the birth of the children? A No, sir.
Q Did she ever live in your house with your wife, Nancy and you?
Q She goes backwards and forwards until Nancy left and she came off.
Q You and Nancy are living together now? A No, sir.
Q How long have you been separated? A Two or three years.
Q After these children were born? A Yes, sir.
Q You hadn't been divorced when these children were born? A No, sir.
Q And Nancy was your wife when these children were born? A Yes, sir.
Q When did you take these children from Georgia to raise? A She give them to me when they were big enough to wean.
Q And your wife Nancy lived there with you and your children? A Yes, sir, with Baxter.
Q Where are the children now? A They are at home.
Q At your house? A Yes, sir.
Q The mother of these children, Georgia, is not a freedman or Cherokee freed- either one? A No, sir.
Q And the children were born while you were the husband of Nancy, the wife you haven't been divorced from? A Yes, sir.
Q You were not married to Georgia? A No, sir, neither one of them.
Q To Avis Poorbear neither? A No, sir.
Q And Nancy was your wife at the time all of these children were born? A Yes, sir, I had taken up with her and living with her all the time.

FRANK VANN, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Frank Vann.
Q How old are you? A About 70, I suppose, I don't know exactly.
Q Are you a Cherokee freedman? A Yes, sir.
Q Do you know James Vann who lives at Fort Gibson? A Yes, sir.
Q Do you know his three children, George, Gipter and Baxter? A Yes, sir.
Q How long have you known these children? A Ever since they were born.
Q Who is the mother of George? A Cherokee woman named Aria, I knew her when I see her, that is George's mother.
Q Who is the mother of Gipter and Baxter? A She is a colored woman; her name is Georgia.
Q Where does she live? A Gibson.
Q Since the birth of these children where have they lived? A Right at Gibson.
Q Born there? A Yes, sir.
Q Who have they lived with since birth? A Jim Vann.
Q Haven't lived with their mother? A No, sir.

Q Georgia, the mother of Gipter and Buster, was a state woman was she? A I think she is; I think she come from Texas.
Q You say the mother of George Vann is a Cherokee woman? A Yes, sir.
Q What is her full name? A Her name is Avis; I don't know whether it is Avis Poorbear or what; she is living right there close to the Pacific Depot.
Q What is her mother's name? A Her mother is living there with her, Fany Poorbear, I know both women.
Q Do you know whether or not this Avis has ever applied to the Commission to be enrolled? A No more than hearsay; I heard she was on the roll.
Q Do you know under what name? A No, sir.
Q Did you ever hear her called any other name besides Avis Poorbear?
A No, sir, her stepfather was Poorbear and she went by that, I think.
Q Do you know what her father's name was? A I didn't know her father; her step father was a deputy marshal in Fort Gibson and got killed, and I think she went by his name, though she wasn't his child. She has a brother living right there at the depot who is a Cherokee.
Q What was her brother's name? A Her stepfather was Poorbear, Will Poorbear, sometimes they called this fellow Will Clark, and sometimes Poorbear, but I don't know which is the right name.
Q Do you know where this Avis was living about 1880 when the 1880 roll was made? A No, sir, I don't know where she was in 1880.
Q Did she ever have any other given name besides Avis? A None as I know of. She ought to be enrolled right along with Fany and Will Clark.
Q Did you ever know this Avis to go by the name of Watson? A No, sir, ~~I have heard of her being married to Watson~~
Q Never heard of her being married to Watson? A No, sir; a part of the time I never knowed her; I didn't think she has ever been married.

By Mr. Davenport:
Q You don't know anything about Jim's being the father of these children of your own knowledge? A No, sir, no more than what she said.
Q They were never married so far as you know? A No, sir, not as I know of.
Q She lived in Fort Gibson where any number of people lived?
A Yes, sir.
Q Both of the mothers of these children lived there? A Yes, sir.
Q Jim was married at that time and had a wife, Nancy? A He lived with Nancy.
Q They were recognized as man and wife in the town there? A Yes, sir.

ROBERT THORNTON, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Robert Thornton.
Q How old are you? A 26.
Q What is your postoffice address? A Muskogee.
Q Do you know Jesse Vann who lives at Fort Gibson, a Cherokee freedman? A Yes, sir.
Q Do you know his three children, George, Gipter and Buster Vann?
A Yes, sir.
Q How long have you known those children? A Ever since they have been birthed.
Q Do you know the mother of these children? A Poorbear they claim is the mother of George.

Q What was her given name? A I don't know.
Q Where does she live? A Fort Gibson.
Q Is she a white woman? A No, sir, Indian.
Q Cherokee Indian? A Yes, sir.
Q She is the mother of George? A Yes, sir.
Q Where was George born? A Over there in the bottom where Jim Vann is living.
Q Where has he lived ever since his birth? A Right down there in the bottom with Jim.
Q With Jim all the time? A Yes, sir.
Q Never did live with his mother? A No, sir, she give him to him when he got up so he would eat.
Q How old is he now? A I don't know exactly, about 16 or 17 years old.
Q Who is the mother of Sipter and Buster? A A lady called Georgia.
Q Georgia what is her name? A Just tell you the truth I don't know what her other name was; I always knower by Georgia.
Q Was she a citizen of the Cherokee Nation? A No, sir.
Q Where were these children, Sipter and Buster born? A Down there in the bottom on Jim's place.
Q Near Fort Gibson? A Yes, sir.
Q Where have they lived since birth? A In the bottom there with Jim Vann.
Q Where does their mother live? A I don't know.
Q They never have lived with her? A No, sir, Jim has raised them and has them yet.

By Mr. Davenport:
Q Where were you living when this last child was born? A Near John Leander's.
Q Where is that? A On Ranger creek.
Q How far from Fort Gibson? A About ten miles.
Q You are what age now? A About 28 years old.
Q You were about 14 then when the last boy was born? A As near as I can get at it.
Q Jim and this woman were married, were they? A I couldn't say.
Q Was he ever married to either one of these women? A I don't know.
Q He had a wife living at the time, didn't he? A A woman named—
Q Nancy? A I believe that's right.
Q The same woman he had all the time up to a year or two ago when they separated, isn't it? A Yes, sir.
Q These women, did they live in the house with Jim? A They lived on the place there; he had two places; one lived with him and the other on the other place.
Q How long did one live with him? A I don't know exactly.
Q You know the women lived in that country and are supposed to be the mothers of these children? A Yes, sir.
Q You don't know who the father of them are of your own knowledge?
A No, sir.

Commissioner: It appears from an examination of the Commissioner's records that Mary Poorboy is listed for enrollment as a Cherokee by blood on Cherokee straight card No. 8150 and that her name appears upon the final roll of Cherokee citizens, approved by the Secretary of the Interior, opposite No. 14661.

It further appears that the name of William Clark, son of Mary Poorboy, has been listed for enrollment as a Cherokee by blood on Cherokee card No. 9661, and that his name appears on the finall roll of Cherokees by blood, approved by the Secretary of the Interior, opposite No. 21801.

The name of Avis Poorboy, or Watson, the alleged mother of the

-4-

child, every [illegible] must be identified either upon the [illegible] identified roll of upon the Commission's records of persons who have applied for enrollment.

[illegible]

K. M. Ware, being first duly sworn, states that as stenographer to the Commission to the five civilized tribes he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

K M Ware

Subscribed and sworn to before me this the 26th day of July, 1906.

Charles H Sawyer

Notary Public.

ENROLLMENT REJECTED.

CHEROKEE FREEDMAN.

IN THE MATTER OF THE APPLICATION OF

Gipton Vann et al

FOR ENROLLMENT AS

CHEROKEE FREEDMEN

A. Original testimony Apl 25-00

B. Mem of application " "

JAN

33

Original testimony with

Exhibits

See Cherokee Freedmen

Jackets 660 and 661

Cher Fr R 67

Cher Fr R 67

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
APR 27 1901

ACTING CHAIRMAN.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T. April, 26th 1901.

In the matter of the application to Jerry Starr for enrollment as a Cherokee Freedman; he being sworn by Commissioner T. B. Needles, testified as follows:

Q What is your name? A. Jerry Starr.
Q How old are you? A. 70 years.
Q What is your post office address? A. Tahlequah.
Q In what district do you live? A. Tahlequah.
Q Do you want to be enrolled as a Cherokee Freedman? A. Yes sir.
Q Are you a recognized citizen? A. Well I am not recognized.
Q Is your name on any of the rolls? A. Not as I know of.
Q Who do you desire to have enrolled besides yourself? A. Just myself
Q Were you a slave, Mr. Starr? A. Yes sir.
Q What was your owners name? A. George Starr.
Q Is he living? A. No sir he is dead.
Q Where were you born? A. In the old Nation in Tennessee.
Q When did you come to the Cherokee Nation? A. I come here and then went out during the war and ~~xxxx~~ went to Texas, and then I came back here and then went back to Texas and came here again in 1890.
Q Was George Starr a citizen of the Cherokee Nation by blood? A. Yes sir.
Q When did you first come to the Cherokee Nation? A. I cant tell you the year but I came here long ago.
Q Do you recollect the war between the United States and he Confederacy? A Yes sir.
Q How long after the war before you came back from Texas? A. 2 or 3 years; dont know exactly, might have been more.
Q Was that the first time that you were ever here? A. No sir I lived here before I moved to Texas.
Q When did you mover to Texas? A. Before the war.
Q You was in Texas during the war? A. Yes sir.
Q Was your master George Starr in Texas? A. Yes sir, he took us there.
Q Did he ever come back to the Cherokee Nation?, A. Yes sir.
Q When ? A. After the war.
Q Did you came back with him? A. No sir I came after him.
Q Where were you in 1866? A. I was in Texas.
Q How long after that did you come here? A. Just as I told you, 2 or 3 years after the war.
Q Have you any witnesses that know anything about you? A. Mr Bell there he married my young mistress he might know.

L. B. Bell, called and sworn as a witness testified as follows:

Q What is your name? A. L. B. Bell.
Q What is your post office address? A. Vinita.
Q Do you know this applicant, Jerry Starr? A. Yes sir.
Q Do you know the time that he came from the State of Texas to the Cherokee Nation after the war? A. No sir but the first time that I ever saw him after the war was in 71 or 2. I can state for him though that he told the truth about being a slave of George Starr. George Starr left the Cherokee Nation and went to Texas in '47.

KEEK A. STARR, called and sworn as a witness testified as follows:

Q What is your name? A. Keek A. Starr.
Q How old are you? A. 51.
Q What is your post office address? A. Tahlequah.
Q Are you a recognized citizen of the Cherokee Nation? A. Yes sir
Q By blood? A. Yes sir.
Q Do you know the applicant here? A. Yes sir.
Q Do you know when he returned from Texas to the Cherokee Nation after the war? A. No sir I dont; I know that we returned in 1868 and that he hadnt come yet.
Q He was a slave of your father's was he? A. Yes sir.
Q You say he hadn't come here yet in '68? A. No sir, I hadn't seen my

thing of him up to that time.

By Cherokee Representative, L. B. Bell-

Q Were you a citizen of the Cherokee Nation when you returned here?
A We was citizens of the State of Texas.
Q Your and your father had to apply for re-admission to citizenship?
A Yes sir.

By the Commission-

Q When were you re-admitted? A. In '90 I think.

By the Commission of applicant-

Q Did you ever draw money from the Cherokee Nation? A. No sir.
Q They refused you recognition did they? A. Yes sir.

By Com'r Needles,-Is the name of Jerry Starr on any of the rolls?

The 1880, 1896 and Kerns Clifton roll of the Cherokee Nation examined and the name of the applicant not found thereon.

By Com'r Needles,-

The name of Jerry Starr does not appear on any of the rolls of the Cherokee Nation; he applies as a Cherokee Freedman. From his own testimony and that of the witness offered by him it is evident to the Commission, that while he was a slave of one George Starr who lived in Texas, and the testimony shows conclusively that he did not return from Texas to the Cherokee Nation in time to receive the benefits of the treaty of 1866, consequently the said Jerry Starr will be rejected and his application refused.

* * * * * * * * * * * * * * *

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and complete transcript of his stenographic notes therein.

Chas. von Weise

Subscribed and sworn to before me this the 20th of April, 1901 at Fort Gibson, I. T.

Commissioner.

DEPARTMENT OF THE
COMM
AUG
BES.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date APR 26 1901

Post Office Tahlequah, I. T.

District Tahlequah

1. Name Jerry Starr Age 70

Owner's name Geo Starr Citizenship Cherokee

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

2. Name of wife Rysente Age .....

Owners name .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

Names of Children:

3. ..... Year ..... Page ..... No. ..... Dist. .....

4. ..... Year ..... Page ..... No. ..... Dist. .....

5. ..... Year ..... Page ..... No. ..... Dist. .....

6. ..... Year ..... Page ..... No. ..... Dist. .....

7. ..... Year ..... Page ..... No. ..... Dist. .....

8. ..... Year ..... Page ..... No. ..... Dist. .....

9. ..... Year ..... Page ..... No. ..... Dist. .....

10. ..... Year ..... Page ..... No. ..... Dist. .....

11. ..... Year ..... Page ..... No. ..... Dist. .....

12. ..... Year ..... Page ..... No. ..... Dist. .....

Application made by No 1 Stenographer Shaw Woodward

Cherokee Freedmen R 67.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Jerry Starr for enrollment as a Cherokee Freedman.

D E C I S I O N.

The record in this case shows that on April 26, 1901, Jerry Starr appeared before the Commission at Fort Gibson, Indian Territory, and made personal application for the enrollment of himself as a Cherokee Freedman.

The evidence shows that Jerry Starr was the slave of a Cherokee citizen at the commencement of the war of the rebellion; that he was taken out of the Cherokee Nation during the war, but did not return thereto until after February 11, 1867.

The applicant is not identified upon the 1880 authenticated Cherokee roll.

It is, therefore, the opinion of this Commission that the application for the enrollment of Jerry Starr as a Cherokee Freedman should be denied, under the previsions of Section 21 of the Act of Congress, approved June 28, 1898 (30 Stats., 498), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

T. R. Breathitt Jr.
Commissioner.

Commissioner.

Muskogee, Indian Territory,
this [illegible]

Cherokee Freedmen
R-67.

Muskogee, Indian Territory, April 30, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Jerry Starr as a Cherokee freedman, including the Commission's decision dated April 20, 1904, rejecting said application.

Respectfully,

Tams Bixby,

Through the Commissioner of Indian Affairs.

Chairman.

Enc. D-48

COPY.

Cherokee Freedmen
R-37.

Muskogee, Indian Territory, April 30, 1904.

Jerry Starr,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for enrollment as a Cherokee freedman, together with a copy of the decision of the Commission to the Five Civilized Tribes dated April 20, 1904, rejecting your said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Register

Rec. D-46.

M09

COMMISSIONERS
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.
WM. O. BEALL, SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen
R-67.

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 30, 1904.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, rejecting the application for the enrollment of Jerry Starr as a Cherokee freedman.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Mar: D-67

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

D. C. 19725-1904.

Land.

30080-1904.

Washington, June 6, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the ~~Five Civilized Tribes~~, transmitting for your consideration the application of Jerry Starr for enrollment of himself as a Cherokee Freedman.

The record of the evidence shows that Jerry Starr was a slave of a Cherokee citizen at the commencement of the war of the rebellion; that he was taken out of the Cherokee Nation during the war, but did not return thereto until after February 11th, 1867.

The applicant is not identified upon the 1880 authenticated Cherokee Roll.

The Commission rejected said applicant April 20, 1904, and recommended that his application for enrollment as a Cherokee Freedman should be denied, under the provisions of Section 21 of the act of Congress, approved January 28, 1898 (30 Stat., 495) and so ordered.

For the reason assigned by said Commission, it is recommended by this office, that the action of the Commission rejecting said applicant be, and the same is hereby sustained.

Very respectfully,

A. C. Tonner

Acting Commissioner.

J. T. N.

W.

DEPARTMENT OF THE INTERIOR,

W.C.F.

FHE

T.P.

D. C. 19725-1904.

Washington, June 11, 1904.

I.T.D. 4624-1904.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory,

Gentlemen:

April 30, 1904, you transmitted the record in the matter of the application for the enrollment of Jerry Starr as a Cherokee freedman, including your decision of April 20, 1904, rejecting said application.

Reporting in the matter June 6, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

E. A. Hitchcock

Secretary.

1 inclosure.

M&L

COMMISSIONERS
TAMS BIXBY.
THOMAS B NEEDLES.
R BRECKINRIDGE.
WM O BEALL
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedman
R 67

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, June 21, 1904.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated April 20, 1904, rejecting the application of Jerry Starr for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on June 11, 1904.

Respectfully,

Chairman.

Cherokee Freedmen
R 67

Muskogee, Indian Territory, June 21, 1904.

Jerry Starr,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated April 20, 1904, rejecting your application for the enrollment of yourself as a Cherokee freedman, was affirmed by the Secretary of the Interior on June 11, 1904.

Respectfully,

Chairman.

Cher Fr R 68

Cher Fr R 68

REJECTED, as to Applicant, MARY SCOTT:
DOUBTFUL, as to Applicant's child, BELL SCOTT:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., APRIL 29th, 1901.

In the matter of the application of Mary Scott for the enrollment of herself and one child as Cherokee Freedmen; said Scott being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Mary Harlin.
Q How old are you? A Something over 30 years old.
Q What is your post office address? A Melvin.
Q What district do you live in? A Tahlequah District.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Have you ever applied to be enrolled as a member of any other tribe or Nation? A No, sir.
Q Did you ever draw any money from any other tribe?
A No, sir.
Q Who do you want to enroll besides yourself? A One child.
Q Have you been recognized by Cherokee Cherokee authorities as a Cherokee Freedman? A Yes, sir.
Q Is your name on the rolls? A Yes, sir.
Q What is your husband's name? A James Scott.
Q Isn't your name Scott then? A My name is Mary Scott now.
Q What is your husband's name? A His name is Jim Scott.
Q Is he a citizen? A Yes, sir.
Q Is he living? A Yes, sir.
Q Are you living with him? A Yes, sir.
Q ~~In his x citizen~~ Has he enrolled himself? A Yes, sir; he has been down here, I never come with him.
Q What is your father's name? A Thomas Harlin.
Q Is he alive? A Yes, sir.
Q What is your mother's name? A Rachel Brown.
Q Is she living? A I don't know, sir; my name is down Mary Harlin.
Q What are your childrens' names? A Vinnia Sanders.
Q How old is Vinnie Sanders? A 15 years old.
Q What is the other's name? A Bell Scott.
Q How old is Bell? A Going on two years old.
Q Are you the mother of Vinnie Sanders? A Yes, sir.
Q Were you married to Sanders? A No, sir; we was not married but we lived together.
Q Are these two children living? A Yes, sir.
Q Did your husband enroll these children? A He enrolled Vinnie Sanders.
Q You only want to enroll yourself and your baby then?
A Yes, sir.
Q Was your mother a citizen? A No, sir, I don't know whether she was or not.
Q Your name is not on the rolls at all; did you draw strip money?
A Yes, sir.
Q Where were you when you drew it? A I was living here.
Q Where did you draw your strip money? A Here.
Q In Fort Gibson? A Yes, sir.
Q Do you live in Fort Gibson now? A No, sir.
Q You will have to bring some witnesses here that known you and knows something about you; you are not on the rolls? A My father is here.
Q What is his name? A Tom Harlin.

The 1880 Authenticated Roll of citizens of the Cherokee Nation examined and applicant's name not found thereon.
The 1896 census roll of citizens of the Cherokee Nation examined and applicant's name not found thereon.
The Kerns-Clifton roll of citizens of the Cherokee Nation examined and the name of applicant found thereon, page 179, #4403, Mary Harlin, Tahlequah District.

THOMAS HARLIN, being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Thomas Harlin.
Q What is your age? A About 67 years old.
Q What is your post office? A Cheuteau.
Q Are you a recognized citizen of the Cherokee Nation--Freedman?
A Yes, sir.
Q Do you know Mary Scott? A Yes, sir; she is my daughter.
Q What was her mother's name? A Her mother's name was Rachel Laflore.
Q Was she a Cherokee Freedman? A Choctaw.
Q Were you ever married to her? A No, sir, I was not married.
Q Didn't live with her as your wife? A No, sir.

MARY SCOTT, the Applicant, re-called, testified as follows:

Q What are the names of your two children you apply for? A Vinnie Sanders and Bell Scott.
Q What is the name of the father of that Sanders child? A Louis Sanders.
Q Well, now, you apply for the enrollment of yourself and how many children? A One.
Q What is the child's name? A Bell Scott.
Q How old is Bell Scott? A She is going on two years old.
Q Are you married to Jim Scott? A Yes, sir.
Q Have you got a certificate of marriage? A Yes,No, sir; we were married by a preacher, Alfred Smith.
BY W. W. HASTINGS, Cherokee Representative: About when were you married? A I could not tell you about how long ago.
BY COMMISSIONER NEEDLES: Well, about how many years; you know whether it is four, five or six? A About four years.
Q Was Bell Scott born after you were married to Jim Scott?
A Yes, sir.
Q And Bell is two years of age? A Going on two years old.
Q Where were you born; do you know whether you were born in the Choctaw Nation or Cherokee Nation? (Applicant's father, who has been sworn, answers: "Choctaw Nation.")
Q Is Bell Scott living? A Yes, sir.
Q Born in the Cherokee Nation? A Yes, sir.

COM'R NEEDLES:--The name of Mary Scott is not found upon any of the rolls of the Cherokee Nation in the possession of this Commission except the Kerns-Cliften Roll. The testimony shows that her mother, Rachel Laflore, was a Choctaw Citizen and that she was born in the Cherokee Nation. The testimony further shows that Thomas Harlin, who is averred to be the father of said Mary Scott, was never married to Rachel Laflore; consequently the application of Mary Scott for the enrollment of herself is rejected.

She applies for the enrollment of her child, Bell Scott, by her averred husband, James Scott, and by said marriage she has the said child, Bell Scott, now two years of age, whose name does not appear upon the rolls, having been born after the same were compiled. The said James Scott, whom she avers to be the father of Bell Scott and her present husband, is found enroll on Cherokee Freedman Card No. D.157. She avers that she was married by a Minister of the Gospel named Alfred Smith, who is now living. It will be necessary for her, the said Mary Scott, to file with this Commission a certificate of marriage certifying to the fact that she was married to her averred husband, James Scott.

Final judgment as to the enrollment of Bell Scott will be suspended and her name will be placed upon a doubtful card. Satisfactory proof of birth of said Bell Scott will also be necessary to be filed.

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J. G. Reaves, being first duly sworn, states that he stenographer to the Commission to the Five Civilized Tribes, did correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. G. Reaves

Subscribed and sworn to before me this 30th day of April, 1901.

Commissioner.

Cher.FR. R-68.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., November 19, 1903.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application for the enrollment of MARY SCOTT as a Cherokee Freedman.

MARY SCOTT, being first duly sworn, testified as follows in her own behalf:

BY COMMISSION: What is your name? A Mary Scott.
Q Who is your father? A Tom Harlin.
Q Who is your mother? A Rachel Brown, my mother's name was.
Q Are your father and mother both living? A Yes sir.
Q Does your mother ever go by the name of Rachel LeFlore? A Yes sir
Q Was your mother married more than once? A Yes sir, married twice
Q What was her first husband's name? A First husband named Tom Harlin.
Q What is the next husband's name? A William Brown.
Q What is your age? A I don't ~~my~~ know my age.
Q You were born since the war, were you? A I don't know when I was born, I can't tell.
Q What is your post office address? A Melvin.
Q What district do you live in? A Tahlequah.
Q Where were you living when you first remember?
A I lived with my mother all the time.
Q Where? A My mother lived in the Choctaw Nation, that is where I was living.
Q You were living in the Choctaw Nation at your earliest recollection? A Yes sir.
Q How long did you live there then? A I don't know sir, couldn't tell that.
Q Do you know when you came back to the Cherokee Nation?
A No sir, I don't know that either.
Q When did you marry? A I don't know, I couldn't tell that.
Q How many children have you? A Twelve, I aint got but two living.
Q What are their names? A Linnie Bell Scott and Lucy Scott.
Q Have you ever applied for them for enrollment as Cherokee freedmen? A This one I have (Linnie Bell Scott), but not this one (Lucy).
Q When was the youngest child born? A September.
Q Last year? A This year.
Q 1903? A Yes sir.
Q When was Linnie Bell Scott born? A January.
Q What year? A I forget now.
Q Last year? A No sir, she is going on four years old.
Q Where do you live now? A Tahlequah District.
Q How long have you been living there? A I don't know sir, I couldn't tell you.
Q What is your husband's name? A Jim Scott.
Q You don't know how long you have been married to him? A No sir.
Q You have been married to him long enough to have how many children?
A Five.
Q You have five children by your husband Jim Scott? A Yes sir.

TOM HARLIN, being first duly sworn, testified as follows on behalf of applicant:

BY COMMISSION: State your name? A Tom Harlin.
Q How old are you? A I am into my sixties.
Q Were you born before the war? A Yes sir, born before the war.

Q Are you acquainted with this applicant, Mary Scott? A Yes sir.
Q What relation is she to y u? A My daughter.
Q Who was her mother? A Rachel LeFlore. That's her owners name in the Choctaw Nation
Q Were you married to Rachel LeFlore? A I was living with her sort of like stock, just took up wth her.
Q Were you living with her in slave times and during the war?
A Yes sir.
Q How old is Mary Scott? A She is something like along about 38 years old.
Q Was she born during the war or after the war?
A Born in 1864, during the war.
Q In 1864? A Yes sir.
Q Where was she born? A Born in the Choc taw Nation at a place they call Caddo Mission, I believe it was.
Q Who did she stay with from the time of herbirth up to the time she became of age? A She stayed with her mother a while, then she came here to the Nation and stayed a while, when she was about-
Q How long did she stay in the Choctaw Nation after she was born?
A I don't know exactly how longshe stayedthere, but she was a small girl when she come to me
Q Did she stay in the Choctaw Nation with her mother? A Yes sir.
Q Did she come back to the Cherokee Nation with her mother?
A No sir, she came with, another man fetched her here.
Q Who fetched her here? A A fellow named Jordan Thompson personally fetched her here.
Q When did he fetch her here to your house? A I don't know exactly what year it was.
Q How long after the close of the war? A I don't know that, how long. I don't recollect. I recollect mighty well when she returned, but I couldn't tell you just exactly what time she did come back.
Q You couldn't tell how many years after the closeof the war it was?
A No sir.
Q Where has she lived since that time? A She has been living right over here in Tahlequah District all the time. She hasbeen here pretty near thirty years since she hasbeen back here.
Q She has lived in Tahlequah District, in the Cherokee Nation, for more than thirty years? A I say I guess it is about that long since she has been living here.
Q During that time she never lived outside the CherokeeNation?
A No sir, when she came here, never went anywhere else. She drew her money with the Cherokee Freedmen twice, and never been nowhere else.
Q What payments did she draw? A One payment, we called it the Wallace payment, when she was enrolled.
Q What other payment did she draw? A The next one was the Strip.
Q Was that the Kern-Clifton payment? A Strip, yes sir. The last money that was paid out they disputed her before the court, and we just come to see what it was. She was disputed twice before this court, and we come here to seewhat it was.
Q When was she disputedthe first time? A Right when Clifton took the census. She was disputedthem by Hastings.
Q When was she disputed the next time? A The next time was before Mr. Needles here at Fort Gibson, and he said he rejected her, and she went back home. She said her mother would have to make her a citizen of the Choctaw Nation. She written her to come here.
Q Rachel LeFlore was a Choctaw citizen? A Yes sir.
Q Is she still living? A Yes sir.
Q Does she make application in the Choctaw Division? A Yessir, she is living down there. I guess she has made it there, she is living there.

Q Are you on any of the Cherokee rolls? A Yes sir, I guess I am on every roll that has been enrolled.
Q Are you on the 1880 roll? A Yes sir. I don't guess there is a roll but what my name is on.
Q By whatname are you on the 1880 roll? A Tom Harlin.
Q What district were you livingin in 1880? A Tahlequah District.
Q Who were you living with? Did you have a wife at that time?
A My wife was named Luch Ann, she is dead now.
Q You and Lucy Ann were living together? A Yes sir.
Q Lucy Ann Harlin is dead? A Yes sir, she is dead.
Q Who else was living in your family in 1880?
A I hadsome children. John and
Q What were their names? A Darcus.
Q Was he a boy? A No sir, a girl
Q Any other children? A Joe, and Narcissus, she's next to the oldest, then Joe and Harry.
Q Any others? A I don't think any others was born. Some born since then.
Q What are your other children besides those you have named?
A Yes, another one, I think Jennie was living.
Q What other children have you, that you didn't name?
A Jennie and Ben.
Q Did you ever call Ben by any othernames besides Ben?
A Called him Ben.
Q Never called him Bena, did you? A No sir.
Q Have you any other children besides those you have named? Did you ever have ane by the name of Howard Harlin? A Yes sir.
Q Was he livingin 1880? A I guess he was. I just call those I recollect was born in 1880, and some born after 1880. I don't know whether Howard was born in 1880 or not. Some was born before 1880 and some after 1880. I go over all the names.
Q You and your wife and all these children you have named were living in Tahlequah District in 1880? A Yes sir.
Q When did your daughter marry? A She married in about, I don't know what time she married. She lived with Lewis Sanders first. I don't know exactly when she married him. I know they had about five childern, I think.
Q What is the name of her children by Lewis Sanders? A Called one Viney, the others is small.
Q Has she got any children by Lewis Sanders? A They are all dead. There is six of them.
Q What husband did she marry after Lewis Sanders?
A Jim Scott, the man she is living with now.
Q How many children did she have by Jim Scott, which are still living? A Five by Jim.
Q How many still living? A Just two living now.
Q The youngest one was born this year, was it?
A Yes sir, about two months ago.
Q What is that one's name? A Lucy Scott.
Q How old is Linnie Bell Scott? A She is about four years old.
Q She is your daughter's child by Jim Scott? A Yes sir.
Q How does it happen that your daughter, Mary Scott, wasn't put on the 1880 roll? A I don't expect she was here at the time it was enrolled.
Q Where was she? A Might have been in the Choctaw Nation. She came here directly after one payment . They paid here in July and she came in August . I guess it was about the '80 payment.
Q You think she came here in August of the same year the 1880 roll was made? A Yes sir, that's what I think, about the time she came here, she came here right after the payment.
Q She came up to the Cherokee Nation from the Choctaw Nation right after the 1880 payment? A Yes sir.

Q Has she lived in the Cherokee Nation continuously ever since that?
A Ever since that. She hasnever applied for nothing nowheres but here.
Q Did she come to the Cherokee Nation after the census takers had been around? A Yes sir, I think that is the way it was. I think that's the reason she wasn't on the 1880 roll.
Q Why didn't you give hername to the census takers?
A I did when they came around the next time. You see she wasn't here at the time when I had my family enrolled.
Q You didn't give in her name when the census takers came around in 1880? A No sir, she wasn't right there with me. I just give in thenames they asked me.
Q Has your daughter, Mary Scott, ever lived out side of Indian Territory since she was born? A She hasnever livedoutside the Territory that I know of. She has livedin the Choctaw Nation. She came here when she was a girl and livedwith me, never lived in the states that I know of.
Q She wasn't of age when she came up from the Choctaw Nation in 1880
A No sir.
Q She was still a minor at that time? A Yes sir.
Q Have you lived in the Cherokee Nation continuously since the close of the war? A Yes sir, right here, never lived anywhere else but in the Cherokee Nation. It has been my place continuously here ever sincethe close of the war. I went away from here and come back.
Q When did your wife, Lucy Ann Harlin, die? A I don't know what year it was in. She has been dead, I expect, about fourteen years, I reckon. I couldn't tell you. I did know but I have forgotten now.

MARY SCOTT, Recalled, testified as follows:

BY COMMISSION: Did you evermake application to this Commission for enrollment as a Choctaw freedman? A No sir.
Q OrChoctaw citizen? A No sir.
Q You have never made application to this Commission except for enrollment as a Cherokee freedman, have you? A That's all.
Q You don't claim any rights in the Choctawor Chickasaw Nations?
A No sir.
Q You don't claim any rights in an y nation except in the Cherokee Nation? A That's all.
Q Whatis this child's name? A Linnie Bell.Scott.
Q Who is the father of this child? A James Scott.
Q You are the mother? A Yes sir.
Q What year was that child born, how many years ago?
A I couldn't tell you exactly. She is going on four years old.
Q What time of the year was she born? A In the winter, January 11th
Q Is she goingon four years? A She is going on four years.
Q She will be four years old next January? A Next January 11th.
Q On Freedman Card D-186we find the name of Belle Scott, two years old at that time, in 1901. That is the same child asthis child Linnie Bell Scott you have mentioned? A Yes sir.

Wm. Hutchinson, being first duly sworn, statesthat as stenographer to the Commission to the Five Civilized Tribes he correctly reported the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Wm Hutchinson

Subscribed and sworn to before me this 27th day of November, 1903.

Charles F. Swanson
Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Mary Scott and Bell Scott as Cherokee Freedmen, consolidating the applications of--

Mary Scott, Cherokee Freedmen R-68.
Bell Scott, Cherokee Freedmen D-186.

DECISION.

The record herein shows that application for enrollment as Cherokee Freedmen was made to this Commission by Mary Scott for herself and her minor child, Bell Scott; that on July 1, 1903, the Commission rendered a decision in the case of Bell Scott, rejecting the applicant, which decision was not approved by the Department, but on December 5, 1903, the said case of Bell Scott was remanded by the Department, at the request of the Commission, for readjudication.

The evidence shows that the applicant, Mary Scott, is a daughter of Thomas Harlin, who is identified on the 1880 authenticated Cherokee roll as a Cherokee Freedman. It is presumed from this enrollment that the said Thomas Harlin complied with all the provisions of the Cherokee treaty of 1866, and that the applicant, Mary Scott, having been born during the rebellion, acquired her father's status as a Cherokee Freedman.

The evidence further shows that the applicant, Mary Scott, has continued to live in the Cherokee Nation from about the year 1880 up to and including the date of her application herein.

It further appears from the evidence herein that the applicant, Bell Scott, is a daughter of the said Mary Scott and that she was born in the Cherokee Nation in the year 1900, and has lived continuously therein from the date of her birth up to and including the date of said application.

It is, therefore, the opinion of this Commission that its former action as to said Bell Scott be and the same is hereby rescinded, and that Mary Scott and Bell Scott should be enrolled as Cherokee Freedmen, in accordance with the provisions of section twenty-one of the act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby
Chairman.

(SIGNED) T. B. Needles
Commissioner.

(SIGNED) C. R. Breckinridge
Commissioner.

Muskogee, Indian Territory,
APR 22 1904

Commissioner.

M29

COMMISSIONERS
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.
WM. O. BEALL, SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen
R-68 & D-186.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 29, 1904.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, granting the application of Mary Scott for the enrollment of herself and her child, Bell Scott, as Cherokee freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Enc. D-25.

Chairman.

CHEROKEE FREEDMAN.

IN THE MATTER OF THE APPLICATION OF

Mary Scott

FOR ENROLLMENT AS

CHEROKEE FREEDMEN

A. Original testimony Apl. 27

B. Mem. of application "

Receipt

Copy of testimony filed with Cherokee Nation Freedman Sockets 29 157 29 186

Cher Fr R 69

Cher Fr R 69

RECEIVED
JUL 31 1905
COMMISSION TO FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., APRIL 29th, 1901.

In the matter of the application of Nena Ford for the enrollment of herself and one child as Cherokee Freedmen; said Ford being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Nena Foreman.
Q How old are you, Nena? A About 20.
Q Is that your name now? A Nena Foreman.
Q What is your post office? A Fort Gibson.
Q What district do you live in? A Tahlequah.
Q Do you apply for enrollment as a Cherokee Freedman? A Yes, sir.
Q Did you ever apply to be enrolled by any other Nation or tribe?
A No, sir.
Q Did you ever draw any money from any other Nation or tribe?
A No, sir.
Q Who do you want to enroll besides yourself? A Myself and one child.
Q What is the name of your child? A Jackson Ford.
Q Are you married? A Yes, sir.
Q What is your husband's name? A Will Ford.
Q How old is Jackson Ford? A He is about a year old.
Q Is your husband a citizen? A No, sir.
Q What was your father's name? A Harrison Foreman.
Q Is he living? A Yes, sir.
Q What is your mother's name? A Lizzie Johnson.
Q Has she been married since she married your father? A Yes, sir.
Q Is she living? A Yes, sir.
Q Your name is not on the roll of 1880, is it? A No, sir, not as I know of.

The 1880 Authenticated Roll of citizens of the Cherokee Nation examined and applicant's averred father's name found thereon, page 69?, #633, Harrison Foreman, Sequoyah District, with this note: "Said from reliable information, this family is of negro descent."

Q How was your mother a Cherokee citizen? A Claims to be.
Q What would be her name in 1880, 20 years ago? A I don't know.
Q Where is she? A She is across the river.
Q Was your mother, Lizzie Johnson, living with Harrison Foreman when you were born? A No, sir, she married since.
Q Married Harrison Foreman after you were born? A I don't know.

HARRISON FOREMAN, being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Harrison Foreman.
Q What is your age, Mr. Foreman? A I am about 53, I guess.
Q Are you a Cherokee Freedman? A Yes, sir.
Q What is your post office? A Cateeza.
Q Do you know Nena Ford? A Yes, sir.
Q What was her father's name? A Harrison Foreman.
Q You are her father; what was her mother's name? A Lizzie Hornbuck.
Q Was Lizzie Hornbuck a Cherokee Freedman? A No, sir.
Q What was she? A State woman.
Q Were you ever married to her? A No, sir.
Q Never lived with her as your wife? A No, sir.

COM'R KEEDLES:--Nena Ford applies for the enrollment of herself and her child, Jackson Ford. She avers that she is the daughter of Harrison Perryman. Now comes Harrison Perryman in person and testifies that she is his daughter by one Lizzie Hornback, a noncitizen, and that he was never married to her, consequently the application of Nena Ford for the enrollment of herself and her child will be rejected. She avers that she is now married to one Will Ford, a noncitizen.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J C Rosson

Subscribed and sworn to before me this 29th day of April, 1901.

Commissioner.

FILED
APR 16 1904
COMMISSION TO FIVE TRIBES

Cherokee Freedmen R 69.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., April 4, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application of MONA FORD for the enrollment of herself and child as Cherokee freedmen.

It appears that on February 25, 1904, the applicant and the Cherokee Nation were duly notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on April 4, 1904, and then and there to introduce further testimony touching matters stated in said letter.

APPEARANCES:
Applicant appears in person.
Cherokee Nation by its attorney, W. W. Hastings.

MONA FORD, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Mona Ford.
Q How old are you? A 23
Q What is your postoffice address? A Fort Gibson.
Q You claim right to enrollment as a Cherokee freedman? A Yes, sir.
Q What is your father's name? A Harrison Foreman.
Q What is your mother's name? A Lizzie Johnson.
Q Are they living? A Yes, sir.
Q Where were you born? A Sequoyah District.
Q Cherokee Nation? A Yes, sir.
Q Were your parents living in Sequoyah District at that time? A Yes, sir.
Q How long did you and they continue to live there after your birth? A I don't know exactly how long.
Q So far as you do know? A I don't know.
Q When you first remember where were you living? A I don't know how long we stayed down there; we come to Fort Smith.
Q And stayed there how long? A About a year, I reckon.
Q Fort Smith, Arkansas? A Yes, sir.
Q Then where did you go? A Tahlequah District.
Q You have been there ever since? A Yes, sir.
Q Never lived out of the Cherokee Nation since? A In the Creek Nation a while and then in the Cherokee Nation.

BY JOHNSON, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A By Johnson.
Q How old are you? A 42.
Q What is your postoffice? A Melvin, I. T.
Q You claim right to enrollment as a Cherokee freedman? A Yes, sir.
Q Do you know this girl? A Yes, sir.
Q Mona Ford? A Yes, sir.

Q How long have you known her? A Ever since she was a child.
Q Who was her father? A Harrison Foreman.
Q Mother? A Lizzie Johnson.
Q Are they Cherokee freedmen? A Don't know about her mother; her father is.
Q Do you know where this girl was born? A Born in Sequoyah district.
Q Do you know where she has lived since birth? A In Sequoyah district and then up here about Wagoner two or three months and then back to the Cherokee Nation.
Q Has she lived with her father since birth, do you know? A She stayed with him a while, yes, sir, backwards and forwards with her father and mother until she married.
Q Has she lived outside of the Cherokee Nation? A No, sir.
Q Has she ever been out? A No further than Wagoner.

CHARLEY THOMPSON, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Charley Thompson.
Q How old are you? A 36 or 37.
Q What is your postoffice address? A Fort Gibson.
Q You claim right to enrollment as a Cherokee freedman: A Yes, sir.
Q Do you know Nona Ford? A I do.
Q How long have you known her? A Ever since she was nursing her mother's breast.
Q Where was she born? A In Sequoyah district.
Q Where has she lived since that time? A She moved from there up here in the Cherokee Nation and went from there to Wagoner and from Wagoner back to the Cherokee.
Q What was her father's name? A Harrison Foreman.
Q Her mother's name? A Lizzie Johnson.
Q Are they Cherokee Freedmen? A Harrison is; I don't know about her mother whether she is all right or not.
Q You have never known of this girl's living out of the Cherokee Nation since her birth? A No, sir.
Q You have known her all the time? A All the time, yes, sir.

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H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

H. M. Vance

Subscribed and sworn to before me this the 8th day of April, 1904.

Charles W. Thompson
Notary Public.

Cherokee Freedmen R-69.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES. Lm m.R

In the matter of the application for the enrollment of Nena Ford and Jackson Ford as Cherokee Freedmen.

DECISION.

The record in this case shows that on April 28, 1901, Nena Ford appeared before the Commission at Fort Gibson, Indian Territory, and made application for the enrollment of herself, and her son Jackson Ford, as Cherokee Freedmen. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on April 6, 1904.

The evidence shows that Nena Ford is the daughter, born since 1880, of one Harrison Foreman, who is identified on the Cherokee authenticated tribal roll of 1880. It is further shown that Jackson is her minor son, and that they have both lived in the Cherokee Nation all their lives.

It is, therefore, the opinion of this Commission that Nena Ford and Jackson Ford should be enrolled as Cherokee Freedmen, in accordance with the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED). Tams Bixby.
Chairman.

(SIGNED). T. B. Needles.
Commissioner.

(SIGNED). C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,
this JAN 16 1905

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COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen
R 69

ALLISON J. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 25, 1904.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of Nona Ford, et al., as Cherokee Freedmen you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to the residence of said Nona Ford since her birth.

The said Nona Ford has, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Monday April 4, 1904, and introduce testimony as above requested.

The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire.

Respectfully,

Commissioner in Charge.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee Freedmen
R 69

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 16, 1905

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation.
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 16, 1905, granting the application for the enrollment of Nona Ford and her minor child, Jackson Ford, as Cherokee freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which you will be required to furnish the principal applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Chairman

Encl. B 95

CHEROKEE FREEDMAN.

IN THE MATTER OF THE APPLICATION OF

Nora Gardenhead

FOR ENROLLMENT AS

CHEROKEE FREEDMEN

A. Original testimony Apl 27. 01

B Mem of application. " "

FEB 4 1905 Transmitted to Chairman Dawes Commission.

Copy of testimony filed with Choctaw Indian.

Cher Fr R 70

Cher Fr R 70

REJECTED, as to wife, Ary, and child, Emily B.

Department of the Interior.
Commission to the Five Civilized Tribes.
Vinita, I. T., May 6, 1901.

In the matter of the application of Charles J. Lynch for the enrollment of himself, wife and onechild as Cherokee Freedmen; Being sworn and examined by Commissioner Breckinridge, he testified as follows:

Q Give your full name? A Charles J. Lynch
Q How old are you? A 40
Q What is your postoffice? A Vinita, presently
Q In what district do you live? A Delaware
Q How long have you lived in the Cherokee Nation? A Ever since I was born
Q All your life? A Yes sir
Q Are you regularly recognized Freedman of the Cherokee Nation?
A Yes sir
Q Give me the name of your father? A Simon Lynch
Q Is he dead? A No sir, he is living
Q Give me the name of your mother? A Nancy Lynch
Q Is she dead? A Yes sir
Q How long has she been dead? A Been dead ever since '85; first day of the year and first day of the month
Q Give me the name of this child for whom you apply? A Emily Bell Lynch
Q How old is the child? A I don't know exactly. I have got her age down in the Bible; I think she is about eight years old.
Q The child is living now? A Yes sir
Q Give me the name of the mother of this child? A Ary Lynch
Q Is she dead? A No sir
Q Is she your wife? A Yes sir
Q She living with you now? A Yes sir
Q Why don't you apply for her? A She is a state woman
Q Yes, but she is your wife; she may have a right by intermarriage; how old is she? A She is forty-two years of age
Q When did you marry her? A I couldn't tell you
Q Well, as near as you can come to it
Q Eight or nine years ago, I guess
Q How long had you been married to her when this child Emily was born? A At the time that child was born I wasn't married to her. Living with her and they got up a family excitement about this living together, and I went and got a license and married her.
Q The child Emily is your child? A Yes sir
Q You had been living with the woman? A Oh, quite a while before she was born; this new law came in and commenced scaring us up, and we went and got license and married
Q She is not a Cherokee of her own right? A No sir
Q She is an outside woman altogether? A Yes sir
Q Was she ever married except to you? A No sir
Q Didn't she ever live with any man before she lived with you? A Not that I know of
Q How long did you and she live together before this child was born?
A I don't know, couple or three years
Q Were you ever married except to this woman? A Yes sir
Q How many times? A Once

Q To whom were you married first? A I was married to a girl named Amy West
Q Were you married by a preacher? A Yes sir, Methodist Preacher
Q Is she alive or dead? A She is alive
Q Did you ever get a divorce from her? A No sir
Q Did she possess any Cherokee rights of her own self, or was she an outside woman? A She has got rights
Q Have you any children by that wife? A Yes sir, I have two one is dead, the other one is living
Q Is that child with its mother? A Yes sir
Q She will apply for it? A Yes sir

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant found thereon as follows:
Page 645, #655 Charles Lynch, Saline Dist, adopted colored;

1896 census roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:
Page 632, #80 Charles J. Lynch, Delaware District.

1896 census roll examined for Ary Lynch and name not found.

Q What has become of Nancy? A She is with her mother
Q That's the other child? A Yes sir

1896 census roll of citizens of the Cherokee Nation examined and applicant child identified as follows:
Page 632 #83 Emma Lynch, Delaware District.

Q You say you never got a divorce from your wife, Amy? A No sir, she is married long before I did
Q Yes, but you got no divorce from her? A No sir
Q What preacher married you and your wife, Amy? A Methodist Preacher in Fort Gibson. I don't remember his name; I hadn't known him but a short time.
Q You did not draw Cherokee Strip money for your wife, Amy? A No sir

Com'r Breckinridge: The applicant applies for the enrollment of himself, his wife and one child; the applicant is identified on the rolls of 1880 and 1896 as a Cherokee Freedman; he has lived in the Cherokee Nation all his life, and he will be listed for enrollment as a Cherokee Freedman; he testifies that his wife is a state woman, and that he married her some eight years ago, though his further testimony would indicate that he has not been married to his present wife so long as that; it is shown, however, that he was formerly married to one Amy West; that they separated and that he never procured a divorce from his first wife; his present wife is not upon any roll, and if she were, she could not be enrolled at this time, because she possesses no right of herself, and her husband is shown not to have been divorced from his former wife, who is still living; therefore, the application for the enrollment of the applicant's wife, Ary Lynch, is rejected.
As for the application for the child, Emily B. Lynch; the child is identified on the roll of 1896, and is living at

this time; it was born prior to the applicant's marriage to his present wife, who is the child's mother, but even had the child been born after their marriage it could not alter the status, as the mother has no right of herself, and as the applicant was never divorced from his first wife, this child cannot possess any right arising from the present marriage; therefore, the child, Emily B. Lynch, will be listed for enrollment as a Cherokee Freedman on a rejected card.

-oOo-

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) M. D. GREEN.

Subscribed and sworn to before me this May 7, 1901.

C. R. BRECKINRIDGE,
Commissioner.

Josie Davies, stenographer to the Commission to the Five Civilized Tribes, upon her oath states: That the above and foregoing is a true and correct copy of the original testimony in the matter of the application of Charles J. Lynch, et al., for enrollment as Cherokee Freedmen, taken at Vinita, Indian Territory, on the 6th day of May, 1901, now on file with the Commission.

Josie Davies

Subscribed and sworn to before me this December 10, 1904.

J. M. Campbell
Notary Public.

FRTD

CO... OF THE INT...
...e FIVE CIVILIZED TRIBES.

FILED
MAY 17 1901

ACTING CHAIRMAN

To be filed with Cherokee Freedman R. Card #70

SUPPLEMENTAL TESTIMONY.

CHEROKEE FREEDMAN, R.735.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. May 14th 1901.

In the matter of the application of Louise Mayfield et al,
Thomas Mayfield, father of said child being present and also the
Representatives of the Cherokee Nation-

THOMAS MAYFIELD, being called and sworn as a witness, testified before Commissioner T. B. Needles, as follows:

Q What is your name? A. Thomas Mayfield.
Q What is your age? A. 36.
Q What district do you live in? A. Saline.
Q What is your post office address? A. Spavinaw.
Q Do you know a child, 16 years of age, by the name of Louise Mayfield
A Yes sir.
Q Who is the father of said child? A. I am.
Q Are you enrolled as a doubtful citizen? A. That is the way they have me.
Q You are the Thomas Mayfield who was enrolled here on the 7th of May are you? A. Yes sir, last week.
Q Do you know the mother of Louisa Mayfield? A. Charles Lynche's wife she is now.
Q What is her first name? A. Ary.
Q Were you ever married to Ary Lynch? A. No sir.
Q How did you happen to enroll Louisa Mayfield then? A. I thought it was my child.
Q Was you ever married to the mother? A. No sir.
Q Did you ever live with her as man and wife? A. No sir, just skipped about.
Q She was an illegitimate child then? A. Yes sir.

The records of the Commission examined and the name of Ary Lynch is found on R. Card #70, consequently the enrollment of Louisa Mayfield on Straight Freedman card #735, as the daughter of Missy Mayfield is an error and the said name of Louisa Mayfield should be enrolled on Cherokee Freedman card, R.70 with her mother Ary Lynch.

+ + + + + + + + +

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

Chas. von Weise

Subscribed and sworn to before me this the 16th of May, 1901 at Vinita, I. T.

T. B. Needles
Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 24, 1901.

In the matter of the application of Amy Lynch et al. for enrollment as Cherokee Freedmen.

Appearances:
I. P. Bledsoe, agent for applicant;
J. S. Davenport, of counsel for Cherokee Nation.

Charles J. Lynch, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Charles J. Lynch.
Q You are the applicant? A Yes, sir.
Mr. Bledsoe: How old are you? A I am about 40.
Q Where do you live? A Vinita.
Q In the Cherokee Nation? A Yes, sir.
Q When did you and this woman first go together? A I can't give you the exact dates, I don't know exactly, it was about —
Q Commenced living together as man and wife, when did you first commence? A I can't give you the exact date, it has been quite a while.
Q As far back as '85 or '86? A It was between '80 and '90, but I don't know what time, I do not recollect.
Q Was it before the United States Court became over this country, the laws of the United States? A Yes, sir.
Q How long before that? A As I told you, I don't know the exact date, didn't take dates, not being any educated man.
Q Was there a child born to you and her about that time? A Yes, sir.
Q What was that child's name? A Emily B. Lynch.
Q Are you and this woman living together now as man and wife?
A Yes, sir.
Q Afterwards, were you married to that woman? A Yes, sir.
Q Did you go and get out a regular license to marry her? A Yes, sir
Q And you are still living with the woman that was the mother of Emily B. Lynch? A Yes, sir.
Q Now were you married prior to your marriage to this woman?
A Yes, sir.
Q Who were you married to? A I was married to Amy West.
Q Is Amy West still living? A Yes, sir.
Q Were you ever convicted of any crime? A Yes, sir.
Q While you were living with your first wife? A Yes, sir.
Q Were you sent to the pen? A Yes, sir.
Q How long did you remain there? A 11 months.
Q When you came back from the pen, what had become of your wife?
A She had a man by the name of Alex Hawkins, living in the Creek Nation.
Q She had remarried while you were in the pen? A Yes, sir.
Q Why did you not get a divorce from her? A I went and saw her after I came home, had a talk with her in regard to our affairs, and she told me she had been to see officials of the Court —
Mr. Davenport, Cherokee counsel: I object to what she told you; you can tell what did you do, but now what she told you.
Commissioner: That is right.
A I went and saw her and she satisfied me that I was perfectly free and I went and got me a woman in the course of time.
Q Where did you commence setting up to this woman first, in whose house? A Mr. Fred Martin's.
Q Did you live with her as man and wife openly? A Yes, sir.
Q And the community so recognised you as man and wife? A Yes, sir.
Q So held out to the world? A Yes, sir.
Q You have had no other woman since? A No, sir.
Q And she no other man? A No, sir.

Mr. Davenport: Where was this woman living when you first saw her?
A When I first saw her, she was living on Grand River.
Q How far was she living from where Jim Hall's place is on the M. K. & T. railroad at Whitecaks? A She was on Grand River.
Q She is the same woman came from Georgia with Jim Hall since the war? (No response)
Commissioner: Your wife was a state woman? A Yes, sir.
Q Don't claim to have any rights of her own? A No, sir.
Q Did she have a daughter before you married her? A Yes, sir.
Q Was that your child? A Yes, sir.
Q Did she have that before you married? A Yes, sir.
Q Was that your child? A Yes, sir.
Q How long after that child was born before you married Ary? A I must have lived with her four or five years I reckon before this question came up in regard —
Q Four or five years after the child was born before you married?
A Before I got out a license, yes, sir.
Q When were you married? A I don't know the exact date.
Q Did you get out a license to marry her? A Yes, sir.
Q Where? A Vinita.
Q You don't recollect how long ago that was? A No, sir, I don't.
Mr. Bladsoe: I want to know from you wasn't it customary for a man and woman to go together without the ceremony of a preacher, or get a license, in your community?

Mr. Davenport: I object to that because at that time there was a law in this country regulating marriages.

Commissioner: It doesn't make any difference at all as to Ary.

Mr. Bladsoe: The status of the child is what we want to define.

Commissioner: The status of Emily will depend entirely upon the question as whether the marriage of Ary with Charles would legatimatize the child, and the testimony can't change that. It looks to me like it is entirely unnecessary to encumber up the record with this kind of testimony. I wish you would make it as brief as possible. I am willing to give you all the latitude possible though. It is a very plain question it appears to me. The only question is whether when Charlie Lynch married this wife, whether it would legatimatize that child or not, that was born before the marriage. That is a legal question to decide, and I am not prepared to decide it now.

Fred Martin, being duly sworn by Commissioner Needles, testified as follows:
Commissioner: What is your name? A Fred Martin.
Q What is your age? A 45.
Q What is your post office address? A Chelsea
Mr. Bladsoe: Are you upon the Cherokee roll as a Freedman? A Yes, sir
Q You were placed upon the regular roll at Vinita? A Yes, sir.
Q Where do you live? A I live in Saline district.
Q Are you acquainted with Charles Lynch? A I am.
Q Acquainted with his present wife? A Yes, sir.
Q What is her name? A Ary Lynch.
Q What was her name before he married her? A Ary Hall.
Q Do you know when he married her? A Not the date I don't.
Q Where was she living when he married her? When they first went together as man and wife? A When he was courting her she was living with me and my wife, and she stayed there until after that little accident happened, and then he came and got her and moved over to his house across the prairie from where I live, and they lived

there until they married.
Q Did he have a child born of her? A Yes, sir.
Q They were living together as man and wife prior then to this license marriage? A Yes, sir, ~~they were living~~
Q They were living together as man and wife? A Yes, sir.
Q What was that child named? A Emily.
Q It is living now? A Yes, sir.
Q Charles and his wife have been living together as man and wife ever since? A Yes, sir, so far as I know.
Commissioner: Do you know whether this Ary Lynch was ever married before she married Charlie? A No, sir.
Q Don't know anything about that? A She never was married before she married him, she wasn't.
Mr. Davenport: You said she was living at your house when that accident happened? A Yes, sir, when part was done.

Commissioner: On a reopening of the case, the only point appears to be as to whether Emily S. Lynch can be enrolled as a citizen or not; as to whether the marriage of Charles J. Lynch and Ary Lynch after the birth of the child, Emily Lynch, legatimatizes the child or not, and as to whether the marriage between Charles J. Lynch and Ary Lynch was a lawful marriage, he never having been divorced from the former wife.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 24th of June, 1901.

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October 31, 1901.

In the matter of the application of Ary Lynch et al. for admission as Cherokee freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:
I. P. Pledger, Agent for the applicants
Reuben Reed and Davenport, of counsel for Cherokee Nation.

Commissioner Breckinridge: In the case of Ary Lynch et al. vs. C-N, counsel desires that the attention of the Commission be especially called to page 42 of the 1892 compilation of Cherokee laws, as applying particularly to Polly A. Lynch. A copy of this statement will be filed in this case.

* * * * * * * * *

Bruce C. Jones, being duly sworn, says that as clerk he has the custody of the records of the Commission to the Five Civilized Tribes and has carefully examined the records and papers and testimony in the above case, and the foregoing is a true and complete transcription thereof in the above entitled matter.

Subscribed and sworn to before me this 1st day of November, 1901.

Commissioner.

Exx C.F. R-70.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 31, 1901.

In the matter of the application of Ary Lynch et al. for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:
I. P. Bledsoe, Agent for the applicants;
Messrs Bell and Davenport, of counsel for Cherokee Nation.

Commissioner Breckinridge: In the case of Ary Lynch et al. R-70, counsel desires that the attention of the Commission be especially called to Sec. 2 of the 1892 compilation of Cherokee laws, as applying particularly to Emily D. Lynch. A copy of this statement will be filed in this case.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete trascript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 5th day of November, 1901.

Commissioner.

Cherokee Freedmen D-70.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Emily B. Lynch et al., as Cherokee freedmen.

DECISION.

The record in this case shows that on May 6, 1905, Charles J. Lynch appeared before the Commission at Vinita, Indian Territory, and made application for the enrollment of himself and his minor daughter, Emily B. Lynch, as Cherokee freedmen. The said Charles J. Lynch is differently classified and is not embraced in this decision. The application also included the enrollment of Ary Lynch as a Cherokee freedman by intermarriage, but her status as such is not determined at this time and she is not passed upon in this decision. Further proceedings in the matter of said application were had at Vinita, Indian Territory, May 14, 1906, at Chelsea, Indian Territory, June 21, 1906, and at Vinita, Indian Territory, on October 31, 1907. The record further shows that one Louisa Mayfield, a daughter of Ary Lynch, was transferred to this case from a heretofore different classification by this Commission. On January 11, 1908, a birth affidavit was filed with this Commission showing that Amanda Lynch was born to Charles J. Lynch and his said wife Ary.

The evidence shows that Emily B. and Amanda Lynch are the children, born since 1896, to Charles J. Lynch, who is identified on the Cherokee authenticated tribal roll of that year. The evidence further shows that Louisa Mayfield is the daughter of Charles J. Lynch's present wife, a non-citizen, and one Sammy Mayfield, who is an applicant for enrollment as a Cherokee freedman and who has been denied enrollment by this Commission. (See Cherokee freedmen docket No. 809).

The evidence further shows that Charles J. Lynch, the father of Emily B. and Amanda Lynch, has lived in the Cherokee Nation all his life, and it is considered that his minor children have resided in said Nation continuously since birth.

It is, therefore, the opinion of this Commission that Emily B. Lynch and Amanda Lynch should be enrolled as Cherokee freedmen, in accordance with the provisions of section [illegible] of the act

act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

It is further the opinion of this Commission that the application for the enrollment of Louisa Mayfield as a Cherokee freedman should be denied, under the provisions of law above cited, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,
this JUL 29 1904

Cherokee Freedmen, R-70.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Emily B. Lynch et al., as Cherokee freedmen.

D E C I S I O N.

The record in this case shows that on May 6, 1901, Charles J. Lynch appeared before the Commission at Vinita, Indian Territory, and made application for the enrollment of himself and his minor daughter, Emily B. Lynch, as Cherokee freedmen. The said Charles J. Lynch is differently classified and is not embraced in this decision. The application also included the enrollment of Ary Lynch as a Cherokee freedman by intermarriage, but her status as such is not determined at this time and she is not passed upon in this decision. Further proceedings in the matter of said application were had at Vinita, Indian Territory, May 14, 1901, at Chelsea, Indian Territory, June 24, 1901, and at Vinita, Indian Territory, on October 21, 1901. The record further shows that one Louisa Mayfield, a daughter of Ary Lynch, was transferred to this case from a heretofore different classification, by this Commission. On January 11, 1902, a birth affidavit was filed with this Commission showing that Amanda Lynch was born to Charles J. Lynch and his said wife Ary.

The evidence shows that Emily B. and Amanda Lynch are the children, born since 1880, to Charles J. Lynch, who is identified on the Cherokee authenticated tribal roll of that year. The evidence further shows that Louisa Mayfield is the daughter of Charles J. Lynch's present wife, a non-citizen, and one Thomas Mayfield, who is an applicant for enrollment as a Cherokee freedman and who has been denied enrollment by this Commission. (See Cherokee Freedmen Doubtful No. 200).

The evidence further shows that Charles J. Lynch, the father of Emily B. and Amanda Lynch, has lived in the Cherokee Nation all his life, and it is considered that his minor children have resided in said Nation continuously since birth.

It is, therefore, the opinion of this Commission that Emily B. Lynch and Amanda Lynch should be enrolled as Cherokee freedmen, in accordance with the provisions of section twenty-one of the

act of Congress approved June 28, 1898 (30 Stats., 496), and it is so ordered.

It is further the opinion of this Commission that the application for the enrollment of Louisa Mayfield as a Cherokee freedman should be denied, under the provisions of law above cited, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED): Tams Bixby.
Chairman.

(SIGNED). T. B. Needles.
Commissioner.

(SIGNED). C. R. Breckinridge.
Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,
this JUL 29 1904

Pages 1 and 2 of decision dated October 13, 1905 missing.

herself and minor children, Martha and Lillie Chinnett; subsequent to filing her application herein and prior to September 1, 1902, the applicant, Ruth Chinnett, was married to one George Vann, and she will now be listed for enrollment as Ruth Vann; by Frank Johnson for himself; thereafter, on July 1, 1902, there was filed with the Commission an affidavit showing the birth, on February 7, 1902, of Luella Johnson, child of the applicant, Frank Johnson; by Eliza Hawkins for herself and minor child, Tyndle E. Hawkins; by Joseph Hicks for himself and wife, Susie Hicks (by intermarriage), and minor child, Otto A. Hicks; by Katie Hicks for herself; by James A. Hicks for himself; by Frances Johnson for herself and minor children, Nettie, Katie, Clarence and Wilda Johnson; by Anna Butler for herself and minor child, Esther Owen; by Anna Butler for her adult brother, Howard Bushyhead; by Hattie Davis for herself; by Moses Riley for himself and minor child, Lillie Riley; by Andrew Riley for himself and minor child, Nathaniel Riley; by Jesse Riley for himself and minor children, Joseph, Ollie, Viola, Mabel, Elnora, Ideller and Luther D. Riley; by Frank Riley for himself and minor children, Lottie, Fannie, James, Ralph, Arizona and Inola Riley; thereafter, on June 12, 1902, there was filed with the Commission an affidavit showing the birth, on November 30, 1901, of Earl E. Riley, child of the applicant, Frank Riley, and on June 26, 1902, there was filed with the Commission an affidavit showing the birth, on December 31, 1901, of Clarence Riley, an illegitimate child of the applicant, Lottie Riley; by Jerry Riley for himself and minor children, Samuel, James T., Amanda, Mariah, Maggie, Calvin, Bertha, Ada and Leona Riley; by Fannie Scott for herself and minor children, Charles Wesley Miller, and Bessie and Jimmie Scott; by Delilah Johnson for herself and minor children, Allie, Luman, Jesse, Alfred, Nola, Della, Ella and Harrison Johnson; by Lottie Johnson for herself and minor children, Rebecca, Luford, Wilbert and Arch Johnson; by Diana Riley for herself; by Daniel Thompson for himself; by Elick Ward for himself and wife, Amanda Ward, and minor children, Henrietta, Irvin, Harry, Roy, Dan, Effie, Troy, Jesse and Jaime Ward; by Sandy Thompson for himself; by Ruth Riley for herself; thereafter, on July 1, 1902, there was filed with the Commission an affidavit showing the birth, on January 22, 1902, of Venora Odine Riley, child of the applicant, Ruth Riley; by Hannah Riley for herself; by Charles Landrum for himself; by Bettie McIntosh for herself; by William Riley for himself; by Carrie Gibson for herself; by Cora J. Wagoner for herself; thereafter, on October 3, 1901, there was filed with the Commission an affidavit showing the birth, on August 24, 1901, of Oval Wagoner, child of the applicant, Cora J. Wagoner; by Arthur Riley for himself; by Elizabeth Melton for herself and minor child, Elnora Melton; by Julius Curls for himself; by Riley Curls for himself and minor children, Willie, Edward, James, George, Stephenia and Clarence Curls; thereafter, on July 1, 1902, there was filed with the Commission an

affidavit showing the birth, on February 13, 1902, of Beattrice Curls, child of the applicant, Riley Curls; and by Ophelia Thompson for herself and minor children, Alpha, Libbie, Hirschel, Harvey and Clyde Thompson.

Copies of the following testimony, decisions, and Departmental letters are filed herewith and made a part of the record in this case: Its decision rendered by the Commission on March 5, 1904, and Departmental letter of May 17, 1904 (I.T.D. 3470-04), in the case of Ed Vann, C.F. D. 360; its decisions rendered by the Commission on July 10, 1903, and June 23, 1904, and of Departmental letters of May 11, and November 12, 1904 (I.T.D. 2412, 6394-04), in the cases of Jesse Vann et al., C.F.D. 254 (R 302), and Emma Purtle C.F.D 265; its decisions rendered by the Commission on March 5, and April 20, 1904, and of Departmental letters of June 2, 23, and 25, 1904 (I.T.D. 4386, 5024-5034-04), in the cases of Esther Holt, C.F.D. 645 (R 443), Tecumseh Holt, C.F.D. 653 (R 399), William Holt, C.F.D. 694 (R 396), and Moses Holt, C. F. R. 165; its decision rendered by the Commission on March 5, 1904, and Departmental letter of June 21, 1904 (I.T.D. 4734-04); in the consolidated case of Katie Thornton et al., C.F.D. 576 et al., (R. 410-R 411-R 412-R 413-R 414); of the testimony taken at Chelsea, Indian Territory, June 6, 1901, its decision rendered by the Commission on April 20, 1904, and of Departmental letter of October 31, 1904, (I.T.D. 8138-04), in the consolidated case of Katie Blackwell, et al., including, among others, the application of Mary Riley, C.F.D. 624; of its decision rendered by the Commission on November 23, 1904, in the consolidated case of Andrew T. Watie, C.F.D. 502, et al., and of the testimony taken at different times and places in the cases of Edward Derrick, C.F.D. 818, Aaron Webber C.F.D. 216, Elizabeth Heigs, et al., C.F.D. 391, Samuel Beck, et al., C.F.D. 775, David Johnson, C. F. D. 356, Abraham Ward, C.F.D. 607 (R 283), and of Peter Ward, C.F.D. 615, R 282).

THE EVIDENCE IN THIS CASE SHOWS: That the applicant, Katie Ridge, is the mother of the applicants, Cornelius Ridge and Phoebe Johnson, and of one Jesse Ridge, and one Mary Ridge (later Hicks, former wife of Dennis Hicks Sr., R 355, infra.), both deceased; that the said applicants and the said Jesse and Mary Ridge, deceased, were the slaves of Cherokee citizens at the commencement of the rebellion, were taken from the Cherokee Nation during said rebellion, and did not return thereto and establish a residence therein within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation et al., for the return of Cherokee freedmen to said Nation; that the applicants, Laura Ridge and Ary Lynch, neither claim nor possess any rights to enrollment as Cherokee freedmen other than those obtained by virtue of their marriage to the applicant Cornelius Ridge and to the said Jesse Ridge, deceased; that the applicants, Pearl, Jesse, Myrtle and Henry C. Ridge, and Ida Jones, are children of the said

applicants, Cornelius and Laura Ridge, were born since 1866, and possess no rights to enrollment other than as descendants of their said parents; that the applicants, Joseph, Percy, Herbert, Serena and Pearl Hilton, Maud Riley, Rosa Vann, and William Townsend, are children of the applicant Phoebe Johnson, were born since 1866, and possess no rights to enrollment other than as descendants of their said mother; that the applicants, Lee, Eddie, and Stella Martin and Cornelias Jones, are children of the applicant Ida Jones, were born since 1866, and, after ample opportunity afforded, it is not established by satisfactory evidence that the said applicants Lee, Eddie and Stella Martin, possess any rights to enrollment other than as descendants of their said mother, and the applicant Cornelias Jones, possesses no rights to enrollment other than as his mother's descendants; that the applicant Elnora Vann, is a child of the applicant Ary Lynch, and the said Jesse Ridge, deceased, was born since 1866, and possesses no rights to enrollment other than as a descendant of her said parents; that the applicant Jesse Barnett, is a child of the applicant Maud Riley, was born since 1866, and, after ample opportunity afforded, it is not established by satisfactory evidence that the said Jesse Barnett possesses any rights to enrollment other than as a descendant of his said mother, and that the applicant John C. Riley, is a child of the said applicant Maud Riley, and one William Riley, (Said William Riley's rights to enrollment are considered below, C. F. D. 803), was born since 1866, and possesses no rights to enrollment other than as a descendant of his said parents; that the applicant Josephine Vann, is a child of the said applicant Rosa Vann, was born since 1866, and possesses no rights to enrollment other than as a descendant of her said mother (In C.F.D. 660, the Commission found that one Ed Vann, father of the said applicant Josephine Vann, possesses no rights to enrollment as a Cherokee freedman, and on May 17, 1904, Departmental letter I.T.D. 5476-04, said finding was approved by the Department); that the applicant Nellie Townsend, is a daughter of one Jesse Vann, and one Emma Purtle, was born since 1866, and possesses no rights to enrollment other than as a descendant of her said parents; (In C.F.D. 254 and 265 the Commission found that the said Jesse Vann and Emma Purtle possess no rights to enrollment as Cherokee freedmen, and on May 11, and November 12, 1904, Departmental letters I.T.D. 2112-8594-04, said findings were approved by the Department); and that the applicants, Rosa, George and Arthur Townsend, are children of the said applicants William and Nellie Townsend, were born since 1866, and possess no rights to enrollment other than as descendants of their said parents.

THE EVIDENCE IN THIS CASE FURTHER SHOWS: That the applicants, Dennis Hicks Sr., and Susie Hicks, neither claim nor possess any rights to enrollment as Cherokee freedmen other than those obtained by virtue of their marriage to the applicants Lettie and Joseph Hicks; that the applicants Lettie Hicks, Joshua Holt

and Sallie Miller, (children of One Esther Holt), and Anderson Johnson, deceased, Buck Bushyhead, deceased, and Nettie Downing, deceased, were the slaves of Cherokee citizens at the commencement of the rebellion, were taken from the Cherokee Nation during said rebellion, and did not return thereto and establish a residence therein within the time specified in the Whitmire decree, supra., for the return of freedmen to the Cherokee Nation; that the applicants, Leroy, Dennis Jr., Delana, Mabel, and Elmer Hicks, Jane Holt, Laura and Ella Beeson, Jessie, Willard, Clifford and Maucelia (Marcelia) Holt, Mary Johnson, Ruth Vann, Martha and Lillie Chinnett, Frank and Luella Johnson (In C.F.D. 855 the Commission found that one Charlotte Beck, mother of the applicant, Luella Johnson, possesses no rights to enrollment as a Cherokee freedman, and on July 21, 1904, its finding was approved by the Department), Eliza and Tyndle E. Hawkins, Joseph, Otto A., Katie and James L. Hicks, Frances, Nettie, Katie, Clarence and Wilda Johnson, Anna Butler, Esther Owen, Howard Bushyhead, and Katie Davis, were born since the commencement of the rebellion, are descendants of the said applicants, Dennis Hicks Sr., Bettie and Susie Hicks, Joshua Holt and Sallie Miller, and of Anderson Johnson, deceased, Buck Bushyhead, deceased, Nettie Downing, deceased, and Mary Ridge, deceased, (In re Mary Ridge see preceding paragraph), and possess no rights to enrollment as Cherokee freedmen other than as such descendants.

THE EVIDENCE FURTHER SHOWS: That one Riley McNair and one Maria McNair, both deceased, were the parents of the applicants, Moses, Andrew, Jesse, Frank and Jerry Riley, Fannie Scott, Delilah and Lottie Johnson, and of Millie McNair, deceased; that the said Riley, Maria and Millie McNair, all deceased, and the said applicants, Moses, Andrew, Jesse and Jerry Riley, Fannie Scott and Lottie Johnson, and the applicants, Jane Riley, Daniel Thompson, Elick and Amanda Ward and Sandy Thompson, and Ben Landrum, deceased, Harrison Johnson, deceased, and Columbus Rogers, deceased, were the slaves of Cherokee citizens at the commencement of the rebellion, were taken from the Cherokee Nation during said rebellion, and did not return thereto and establish a residence therein within the time specified in the above mentioned Whitmire decree, for the return of Cherokee freedmen to said Nation; that the applicant, Ruth Riley, is a daughter of Henry Thornton, deceased, and Katie Thornton, was born since 1866, and possesses no rights to enrollment other than as a descendant of her said parents; (In C.F.D. 578, 580 and 581, the Commission found that the said Katie Thornton and one Maggie Curls and one Joseph Thornton, full sister and brother of the said applicant, Ruth Riley, possess no rights to enrollment as Cherokee freedmen, and on June 21, 1904, its finding was approved by the Department); that the applicant, Hannah Riley, was born prior to the commencement of the rebellion, and was the slave of a non-citizen of the Cherokee Nation at the commencement of the rebellion; and that the applicants, Lillie

Nathanial, Joseph, Ollie, Viola, Mabel, Elnora, Ideller, Luther D., Frank, Lottie, Fannie, James, Ralph, Arizona, Inola, Earl E., Clarence (In C. F. D. 624, the Commission found that one Mary Riley, wife of the applicant Frank Riley, and mother of the applicants, Lottie, Fannie, James, Ralph, Arizona, Inola and Earl E. Riley, and grandmother of the applicant, Clarence Riley, possesses no rights to enrollment as a Cherokee freedman, and on October 31, 1904, its finding was approved by the Department), Samuel, James E., Amanda, Mariah, Maggie, Calvin, Bertha, Ada and Leona Riley, Charles Wesley Miller, Bessie and Jimmie Scott, Delilah, Allie, Luman, Jesse, Alfred, Nola, Della, Ella, Harrison, Rebecca, Luford, Wilbert and Arch Johnson, Henrietta, Irvin, Harry, Roy, Dan, Effie, Troy, Jesse and Maine Ward, Lenora Odine Riley, Charles Landrum, Nettie McIntosh, William Riley, Carrie Gibson, Cora J., and Oval Wagoner, Arthur Riley, Elizabeth and Elnora Melton, Julius, Riley, Willie, Edward, James, George, Stephenia and Beattrice Curls, (One Nancy Curls, C.F.D. 429, who was denied enrollment by the Commission is the mother of the six last mentioned applicants), Ophelia, Alpha, Libbie, Hirschel, Harvey, and Clyde Thompson, were born since the commencement of the rebellion, are descendants of the said applicants, Moses, Andrew, Jesse, Jerry, Jane, Ruth and Hannah Riley, Fannie Scott, Lottie Johnson, Daniel and Sandy Thompson, and Elick and Amanda Ward, and of the said Riley McNair, deceased, Maria McNair, deceased, and Millie McNair, deceased, Ben Landrum, deceased, Harrison Johnson, deceased, and Columbus Rogers, deceased, and possess no rights to enrollment other than as such descendants.

None of the applicants herein born during or prior to the first below mentioned year, nor the ancestors of any of the said applicants herein born during or subsequent to the said first below mentioned year, can be identified on the Cherokee authenticated tribal roll of 1880, and none of the applicants herein can be identified on the Cherokee census roll of 1896.

THE EVIDENCE HEREIN FURTHER SHOWS: That the applicants Ethel Townsend and Clarence Curls, died prior to September 1, 1902. Affidavits to that effect are filed herewith and made a part of the record herein.

Section twenty-five of the Act of Congress approved July 1, 1902 (32 Stat., 716), provides:

> "The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized Tribes."

The applicants, Katie and Cornelius Ridge and Phoebe Johnson, testify that they, together with Mary and Jesse Ridge,

both deceased, returned to the Cherokee Nation in 1866, remained a few months, and then removed to Joplin, Missouri, where they resided for a number of years. That they returned to the Cherokee Nation in 1866 is controverted by the testimony of witnesses who were in a position to know the matters of which they testify. In view of the fact that the burden of proof is on the applicants, and they must show by satisfactory evidence that their rights to enrollment are perfect, it is considered that these applicants have wholly failed in this, and that their applications come within the rulings of the Department in the cases of Eliza Bruns, et al. (I.T.D. 544-04), William Rector (I.T.D. 1466-04), Minnie Duncan et al. (I.T.D. 1470-04), Samantha Chambers, (I.T.D. 2393-04), Ed Williams (I.T.D. 4230-04), Martha Albert et al., (I.T.D. 4732-04), and Moses Rose (I.T.D. 6056-04); and, granting that said above named parties did return to the Cherokee Nation in 1866, as contended, it is further considered that they did not establish such a residence in said Nation as was contemplated by the treaty of 1866, and are, therefore, within the rulings of the Department in the cases of Martha Gales and Susan Brown (I.T.D. 1850-04), and Thomas Mayfield et al, (I.T.D. 6960-04).

The testimony in re return to the Cherokee Nation, after the rebellion, of the applicants, Bettie Hicks, Joshua Holt, and Sallie Miller, and of the said Buck Fushyhead, deceased, and Nettie Downing, deceased, is contradictory in itself, and contradicted by the testimony of witnesses in behalf of the Cherokee Nation, hence, it is unsatisfactory, and the first above mentioned rulings of the Department are considered applicable. In this connection attention is called to the cases of Esther Holt, C.F.D. 645, Tecumseh Holt, C.F.D. 653, William Holt, C.F.D. 694, and Moses Holt, C.F.D. 186, mother and brothers of the three applicants first named in this paragraph. The material facts as established by the evidence in the several cases embracing this family, are practically the same, and the Commission found that the said Esther, Tecumseh, William and Moses Holt, possess no rights to enrollment as Cherokee freedmen, and its findings were duly approved by the Department. Granting that the applicants, Bettie Hicks, Joshua Holt and Sallie Miller, and the said Buck Fushyhead and Nettie Downing, deceased, returned to the Cherokee Nation during the interval between the close of the rebellion and February 11, 1867, they must have remained but a short time, as, by the testimony of the applicants themselves, and that of disinterested witnesses, it is shown that during a period beginning immediately subsequent to the year 1867, they, for a number of years, continuously lived outside the limits of the Indian Territory, consequently, the ruling of the Department in the cases of Martha Gales, Susan Brown and Thomas Mayfield, et al., supra., is also applicable to them.

Sam Webber, Lewis Whitmire, and Daniel and Reuben Sanders, testify that Anderson Johnson returned to the Cherokee Nation with them in the summer of 1866, but for reasons more fully set out below, it is not considered that their testimony is either convincing or satisfactory. That these four witnesses complied with

the treaty stipulations of 1866, there is no doubt. They were admitted to citizenship by the Chambers Court, and are identified on the 1880 roll. Without calling attention to the many cases in which the above named witnesses have been successfully [illegible] dicted and repeatedly impeached, it is considered by this office that, after hearing the testimony of numerous witnesses, interested and disinterested, and after the examination of many exhibits filed and made a part of the record in freedman cases, it can identify each and every member of the party of freedmen known as the Webber-Whitmire-Sanders detachment, or colony, who returned with the treaty stipulations of 1866, and it is fully convinced that Anderson Johnson was not a member of that party. In support of this position attention is called to the fact that the personnel of the above mentioned party was thoroughly gone into by the Chambers Court, in 1878-9, and numerous witnesses, among others, the said Lewis Whitmire, examined on behalf of both parties, and that, too, at a time when the facts must have been fresh in their minds, and no particular advantage was to be had by misrepresenting who were included in said party, with one accord testify as to who composed this colony of freedmen, and the said Anderson Johnson is never named as one of them. By reason of changed conditions, the experience of the former Commission and of this office, in their investigations relative to the personnel of said colony of freedmen, has been somewhat different from that of the Chambers Court, but generally the conclusions reached have been the same. It seems to have been the policy of those witnesses appearing before the Commission, who were members of the above mentioned colony of freedmen, to add to said colony as occasion required, but after an examination of a great number of freedmen cases in which the above named witnesses testified, it cannot be found that they ever included Anderson Johnson as a member of this colony, until they were called upon as witnesses in behalf of his descendants, although they were often asked to, and as often did, name those who returned with them in 1866.

As to the return of Riley McNair, deceased, to the Cherokee Nation after the rebellion: Moses Hardrick, in behalf of the descendants of the said Riley McNair, testifies that, after the rebellion, he and Riley McNair returned to the Cherokee Nation together. In C.F.D. 314, the Commission found that the said Moses Hardrick did not return to the Cherokee Nation within the time specified in the Whitmire decree, and on October 15, 1904, its finding was approved by the Department. It was several months after the above indicated trip before Riley McNair moved his wife and family to the Cherokee Nation. One Emma Purtle, daughter of the said Riley and Maria McNair, removed from the Cherokee Nation during, and returned thereto after, the rebellion, with her father's family. In C.F.D. 265, the Commission found that the said Emma Purtle did not return to the Cherokee Nation within the time specified in the Whitmire decree, and on November 12, 1904, its finding was approved by the Department. The said Columbus Rogers, deceased, returned to the Cherokee Nation after the rebellion with the said McNair~~R~~Riley family.

The applicant, Jane Riley, testifies that she returned to the Cherokee Nation in 1866, and is corroborated by her witness, Jack Landrum. No credit can be given the testimony of the said Jack Landrum, as he has been repeatedly contradicted and impeached, (See, in particular, C. F. D. 493-D 664 and D 863). In C. F. D. 578 (R 410), he swore, point blank, that Katie Thornton, applicant therein, and her husband, Henry Thornton, deceased, returned to the Cherokee Nation during the winter of 1866, and that he hauled logs to help build their house. In this case it was conclusively shown by the testimony of disinterested witnesses, that the said Katie and Henry Thornton did not leave Garnett, Kansas, after the rebellion, prior to March 1, 1871, and on this testimony the Commission denied the applicant, Katie Thornton, the right to enrollment, and its action was duly approved by the Department. Attention is further called to the fact that the said applicant, Jane Riley, and one Ben Landrum, deceased, are the parents of the applicants Charles Landrum and Nettie McIntosh, and that the said two last named applicants were born in 186- and 1868, respectively. It is shown by the testimony of several disinterested witnesses, and a certified copy of the record of certain proceedings had before the District Court of Woodson County, Kansas, that the said Ben Landrum, continuously lived near Garnett, Kansas, during the years 1867, '69 and '68.

The applicant Daniel Thompson, testifies that on his return to the Cherokee Nation after the rebellion, he found his son, Andrew Watie, at Fort Gibson. In C F. D. 502, the Commission found that the said Andrew Watie did not return to the Cherokee Nation after the rebellion within the time specified in the Whitmire decree. The applicants Sandy Thompson and Amanda Ward, returned with their father, the said Daniel Thompson.

In connection with those applicants herein who claim through Jess Ridge, deceased, and the applicants, Cornelius Ridge, Henry Ridge, Daniel Thompson, and Robert Foster, attention is called to the fact that the Commission on Cherokee Citizenship of 1873-9, decided that the said Jess Ridge, since deceased, and the four applicants last above named, were not entitled to Cherokee citizenship, a certified copy of the proceedings of said Commission in re above named parties, being filed herewith and made a part of the record herein.

The applicant, Mack Ward, swears that he was raised by one Peter Ward, and after the rebellion returned to the Cherokee Nation with the said Peter Ward and one Abraham Ward. In C. F. D. 613 (R 282), and D 607 (R 283), the Commission found that the said Peter and Abraham Ward did not return to the Cherokee Nation after the rebellion, within the time specified in the Whitmire decree, and on April 29, 1904, its findings were approved by the Department.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, following the ruling of the Department in the case of Emmet Welcome (I. T. D. 5840, 1776-04), under the provisions of the Act of Congress approved June 28, 1898 (30 Stat., 495), Emma Ridge, by Lynch, Dennis Ridge Sr., and Susie Ridge, are not entitled to enrollment

as citizens by intermarriage of the Cherokee Nation, and their applications for enrollment as such are accordingly denied; and that under the provisions of Section Twenty-one of the Act last above noted Katie Ridge, Cornelius Ridge, Pearl Ridge, Jesse Ridge, and Myrthe Ridge, Phoebe (Milton) Johnson, Joseph Milton, Percy Milton, Herbert Milton, Serena Milton, and Pearl Milton, Henry C. Ridge, Ida Jones, Lee Martin, Eddie Martin, and Stella Martin, Cornelias Jones, Elnora Vann, Maud Riley, Jesse Barnett and John C. Riley, Rosa Vann and Josephine Vann, William Townsend, Mollie Townsend, Rosa Townsend, George Townsend, and Arthur Townsend, Nettie Hicks, Leroy Hicks, Dennis Hicks Jr., Delana Hicks, Mabel Hicks and Elmer Hicks, Joshua Holt, Jane Holt, Laura Beeson, Ella Beeson, Jessie Holt, Willard Hold, Clifford Holt and Maucelia (Marcelia) Holt, Sallie Miller, Mary Johnson, Ruth Vann, Martha Chinnett and Lillie Chinnett, Frank Johnson and Luella Johnson, Eliza Hawkins and Tyndle E. Hawkins, Joseph Hicks, Otto A. Hicks, Katie Hicks, James A. Hicks, Frances Johnson, Nettie Johnson, Katie Johnson, Clarence Johnson and Wilda Johnson, Anna Butler, Esther Owen, Howard Bushyhead, Hattie Davis, Moses Riley, Lillie Riley, Andrew Riley, Nathanial Riley, Jesse Riley, Joseph Riley, Ollie Riley, Viola Riley, Mabel Riley, Elnora Riley, Ideller Riley, Luther D. Riley, Frank Riley, Lottie Riley, Fannie Riley, James Riley, Ralph Riley, Arizona Riley, Inola Riley, Earl E. Riley, Clarence Riley, Jerry Riley, Samuel Riley, James E. Riley, Amanda Riley, Mariah Riley, Maggie Riley, Calvin Riley, Bertha Riley, Ada Riley, and Leona Riley, Fannie Scott, Charles Wesley Miller, Bessie Scott, and Jimmie Scott, Delilah Johnson, Allie Johnson, Luman Johnson, Jesse Johnson, Alfred Johnson, Nola Johnson, Della Johnson, Ella Johnson, Harrison Johnson, Lottie Johnson, Rebecca Johnson, Luford Johnson, Wilbert Johnson and Arch Johnson, Jane Riley, Daniel Thompson, Elick Ward, Amanda Ward, Henrietta Ward, Irvin Ward, Harry Ward, Roy Ward, Dan Ward, Effie Ward, Troy Ward, Jesse Ward and Maine Ward, Sandy Thompson, Ruth Riley, Lenora Odine Riley, and Hannah Riley, Charles Landrum, Bettie McIntosh, William Riley, Carrie Gibson, Cora J. Wagoner and Oval Wagoner, Arthur Riley, Elizabeth Melton and Elnora Melton, Julius Curls, Riley Curls, Willie Curls, Edward Curls, James Curls, George Curls, Stephenia Curls and Beatrice Curls, Ophelia Thompson, Alpha Thompson, Libbie Thompson, Hirschel Thompson Harvey Thompson and Clyde Thompson, are not entitled to enrollment as Cherokee freedmen, and their applications for enrollment as such are accordingly denied.

AND IT IS FURTHER ORDERED AND ADJUDGED: That the applications for the enrollment of Ethel Townsend and Clarence Curls, be, and the same are, hereby dismissed, in accordance with the provisions of section twenty-five of the Act of Congress approved July 1, 1902 (32 Stat., 716).

(Signed) Tams Bixby

COMMISSIONER.

Dated at Muskogee, Indian Territory,

this Oct. 13. 1905.

Cherokee Freedmen R 541, 544, 546, 590 and 70.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., MAY 24, 1906.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of THOMAS MAYFIELD, ET AL., as Cherokee freedmen.

APPEARANCES:
For Applicants, Starr & Patten.
For Cherokee Nation, J. S. Davenport and L. E. Bell.

The records of this office show that on April 12, 1906, the Attorneys for the applicants in these cases filed a motion for continuance in this case, and that the same was taken under consideration by the Commissioner; and that on May 17, 1906, the applicants, their attorneys, and the Attorneys for the Cherokee nation were advised that this case would be taken up for further hearing in Muskogee, Indian Territory, on Thursday, May 24, 1906, at nine o'clock A. M., at which time and place the following proceedings were had.

The following proceedings were had on behalf of the applicants.

MALINDA GIBSON, being first duly sworn, testified as follows:

BY MR. PATTEN:
Q. What is your name? A Malinda Gibson.
Q How old are you? A I will be 79 the 15th of October if I live that long.
Q What is your citizenship. A I am white and live in Kansas.
Q What was your husband's name? A John C. Gibson.
Q Where do you live? A I live in Kansas City now at the present time.
Q Where did you live in the year of 1866? A We lived east of Garnett on a farm.
Q About how far from Garnett? A About a mile and a half as well as I remember.
Q Did you know J. Y. Campbell? A Yes sir.
Q Where did he live? A Adjoining our farm.
Q How far from your house? A I couldn't tell you exactly, not more than half a mile.
Q Were you acquainted with Thomas Mayfield and his family? A Yes sir.
Q Did you know his wife? A Yes sir.
Q What was her name? A Nicey Mayfield.
Q Did you know his son? A Yes sir.
Q What was his name? A Charlie.
Q Where were the Mayfields living in 1866? A They were living; I think they moved on Mr. Campbell's farm in 1866.

Q Is your husband dead? A Yes sir.
Q When did he die? A He died in 1866, July 23.
Q What was his name? A John C. Gibson.
Q Did the Mayfields at any time live on your husband's farm?
A Yes sir.
Q In what year? A They lived there the year my husband died.
Q How long did Mayfield continue to live on your husband's farm?
A Well I couldn't tell you, I think they moved off in the fall after he died.
Q Where did they move to? A Down to Judge Campbell's farm.
Q Was that the J. Y. Campbell farm? A Yes sir.
Q What kind of a house, if any, did they move into? A They built a log house, just put it up out of round logs and move in it.
Q And that was when, did you say? A ~~They~~ that was in 1866.
Q What part of the year? A Well I think the last part of the year in the fall.
Q How long after your husband died was it that Mayfield moved on to the Campbell farm? A I couldn't tell, to the best of my knowledge and recollection it was in the fall after he died.
Q Was it a long or short time? A Not very long.
Q Did you ever hear your husband discuss with the Mayfields anything about the time that those negroes up there had to get back to the Cherokee nation in order to secure rights?

Mr. Davenport: Objected to on the ground that it is incompetent irrelevant and immaterial, and is hersaay, and is declarations attempting to show statements in the interest of the applicants.

On Behalf of the Commissioner: The objection will be noted.

A They talked about coming back before he died but not after he died. They didn't discuss anything with him after he died. They would come and stay a little bit and talk that they had to leave and come down here to the Nation in order to hold their claim.
Q Do you know when Tom Mayfield and his family left that community up there? A Well I couldn't tell exactly the date they left but it was in the fall after my husband died.
Q Was it in the fall of the same year after he died? A That was to the best of my knowledge.
Q When was the last time that you saw Tom Mayfield and his family?
A The last I saw of him they stopped to bid us good bye when they started to the nation.
Q Who was in that crowd that stopped to bid you good bye? A Mayfield and his wife, Rhoda and a child as well as I could remember.
Q Did you ever see them in that community any time since then?
A No sir.
Q You have never seen them since then? A No sir.
Q Did you see Charlie Mayfield to day? A Yes sir.
Q In your best judgment is he the same one? A Yes sir, he is the same boy.
Q You remember him do you? A Yes sir.

BY MR. DAVENPORT:
Q As I understand Mrs. Gibson, your husband died in July, 1866, or about that time? A Yes sir.
Q How long did you remain on your home place before you went to Kansas City? A I never went to Kansas City, well I have just been up there a little over four years.
Q Did you continue to live in the same neighborhood of the Campbell place? A Not long after that time.

Q How long did you continue to remain on your place after your husband's death? A Well I couldn't tell that.
Q Well about how long? A I don't know whether we lived there two years or just how long. We rented out and went back to where my mother lived in Missouri.
Q How far was that? A I don't know just how far it was. We stayed there awhile and then we come back after the renters time were up.
Q Do you remember whether or not you lived on your home placeas late as 1868? A No sir, I don't remember just the year, I couldn't tell for sure the year we did leave.
Q You didn't make any memorandum at the time of those dates? A No sir.
Q You are simply testifying from your memory? A Yes sir, to the best of my memory.
Q Do you know what township in Anderson County, Kansas, you lived in at that time? A Well I don't remember the township.
Q You remember it was in Anderson County? A Yes sir, but I don't remember the township.
Q You lived as I understand you a short distance from Mr. Campbell's
A Our farms adjoined each other.
Q You knew Mr. Campbell's family at that time? A Yes sir.
Q I will ask you if you moved away from your farm before or after Mr. Campbell adopted the Foster boys?

Mr. Patten: The Attorneys for applicants object to the question upon the grounds that no such evidence was gone into upon the examination in chief.

On behalf of the Commissioner. The objection will be noted.

A Well now I couldn't tell you whether it was before. I know he adopted them but I couldn,te tell whether that was we left before or after he adopted them. I never set it down and I couldn't remember.
Q Did you ever know in the township in which you lived in Anderson County, Kansas, any other family by the name of Mayfield? A No sir.
Q Are you able to state now whether or not there was any other family in that neighborhood? A I never heard of any.
Q At that time the township didn't cover but three or four miles?
A No sir.
Q The Mayfield's were colored people? A Yes sir.
Q Did you know the family that was living with them at that time on the Campbell place? A They didn't anybody live with them but Rhoda Davis.
Q No one lived in one end of the house with them except Rhoda Davis?
A Maybe some one moved in there a few days.
Q Then you mean to say that at your husband's death and for several years after that no other Mayfield family lived in that neighborhood? A No one but this family.
Q I say that was Thomas Mayfield, his wife Wicey, and Charlie and Rhoda Davis? A That was all.
Q Did you move away from your farm Mrs. Gibson before the stone school house was built in that township? A I don't think it was built then.
Q Did you ever know a school teacher in that community by the name of Maggie Smith? A I believe I do remember her.

Q Did you ever know a girl at that time along in 1867 or '68 by the name of Rabstock? A Well I have heard of the Rabstocks there.
Q You were never acquainted with them? A Not very much.
Q After you first left your farm how long were you gone before you came back? A I couldn't tell that.
Q Can't you estimate it for us, whether it was one, two, or three, or before we came back. I don't remember because I didn't set it down and of course ex I wouldn't want to swear to anything unless I had it written down.
Q And it has been several years since the transactions? A Yes sir, it has been a good while, but I remember the Mayfields well.
Q You know the Mayfield's left your husband's place in the summer or fall of 1866 and moved on to the Campbell place? A Yes sir, they moved away from there in 1866.
Q And you know from that time up until the present you have never known of any other Mayfield family living in that community?
A No sir, none but them.
Q Did you ever know from 1866 up until 1869 of any person living in your township in Anderson County, Kansas, by the name of Charlie Mayfield, other than the Charlie Mayfield, who is an applicant in this case who you have met today? A I didn't know anybody there by the name of Mayfield after they left.
Q Were you living on your farm in 1867 or '68 Mrs. Gibson, in Anderson County, in Monroe Township? A I couldn't tell the date we left there. My mother was sick and we went to see her and I couldn't tell the date.
Q Did you ever know a gentleman who lived in Monroe Township, Anderson County, by the name of Lewis M. Ernest, in 1867 or '68?
A Yes sir.
Q Do you know whether at that time he held any official position in the township or county? A I don't remember.
Q I will ask you if you don't remember that he was tax assessor in 1868 or '69? A I couldn't remember it.
Q In fact it has been so long that you can't remember anything about the years or dates? A Yes sir.
Q In testifying now it is to your memory and best judgment? A Yes sir.
Q You are now about how old? A Will be 79 October 15.

BY MR. PATTEN:
Q Now Mrs. Gibson how do you fix it that the Mayfields left Kansas, the community where you lived, in 1866, in the fall of that year?

Mr. Davenport: I object to that as being leading and not re-direct of any matter brought out by the Cherokee ~ation.

On behalf of the Commissioner: The objection will be noted.

Q Because they left there to come here to hold their claim.
Q How do you know that it was 1866? A Well by the death of my husband, and the time that they left to come in order to hold their claim.
Q Do you remember when your husband died? A Well I ought too.
Q When was it? A Why I told you it was in 1866.
Q Is that the reason that you remember the Mayfield's left there in 1866 is because you remember they left the year your husband died? A Yes sir.

Q Do you mean to say that if there was any other family of Mayfields living in that community that you didn't know it, do you mean to say that there was not any other? A There was not that I ever heard of. There has been no Wayfields there since they left as ever I heard of.
Q You mean then there was none so far as you know? A Yes sir.

Mr. Davenport: I object to saying what she means, she says positively there was none.

On Behalf of the Commissioner: Objection noted.

BY MR. DAVENPORT:
Q In the last few weeks you had to write down to Anderson County in order to fix some of these dates? A No sir, I didn't.
Q You didn't write to any one in Anderson County in the last three weeks to ascertain the date of your husband's death? A No sir, I wrote down to send up some of the books and papers. I had there.
Q Was that for the purpose of some other business transaction or for the purpose of fixing the dates to testify in this case? A That was for the purpose that I wanted them sent up there.
Q You didn,t want them to fix the date to testify in this case?
A No sir, I wanted them up there.
Q I will ask you if it isn,t a fact that you wrote for that purpose and so stated in this letter? A I wanted to know if it wasn't the date that I had told my daughter, that that wasn't the same date that I said.
Q And you can not tell me now a single incident outside of 1866, whether or not you were living on your farm in 1866 or '68?
A I can,t tell you when we left there.
Q And you can,t tell me what year that stone school house was built? A That stone school house was built, pretty near finished while we were gone to Missouri.
Q Was it finished when you got back from Missouri? A No sir, I don't think it was.
Q Don't you know that Charlie Wayfield went to school in that stone school house? A He went to school in a log school house there.
Q Who did he go to school too? A I don,t know, but he went to school to that log school house, but if he went to the stone school house I don't remember it.
Q Was it a public school? A Of course it was. It was all the school in that district.
Q Was it a school maintained by the State? A I guess it was, I don,t know for sure.
Q They had sometimes subscription schools in that community? A I think it was a public school.
Q And you can,t tell me whether or not he was there when the yoster boys were bound to Mr. Campbell?A I can't tell the exact date, I know they said they had them bound there.
Q you knew they were at the Campbell place? A Yes sir.
Q You knew they were not his boys? A Yes sir.
Q Did they come there after you got back from Missouri after the death of your husband? A The Yosters came up there after the war awhile.
Q Was it in 1865 or '66 that they came to the Campbell place? A I forget just the date. They were there awhile before old man Campbell adopted them.
Q You cannot tell me what year it was? A No sir, because I never had the date.
Q You didn't have the date the Wayfields left that country? A No sir, but they lived there on our place, and the yosters, I didn,t know much about them.

Q The Campbell place wasn't very far from your place? A No sir, just about a half mile.
Q How far did the Mayfields live from you when they lived on your place? A I don't know just how far it was, just a little ways, about as far as I guess to that building yonder with those big letters on it, maybe a little bit farther.

W I T N E S S E X C U S E D .

N. J. PATTEE, being first duly sworn, testified as follows:

BY MR. PATTEE:
Q State your name? A N. J. Pattee.
Q Where do you live Mrs. Pattee? A Garnett, Kansas.
Q How long have you lived there? A I have lived off and on there ever since in 1861.
Q How old are you? A I am 61.
Q Did you knew John Gibson? A Yes sir.
Q Who was he? A My father.
Q What is your citizenship? A I am a white person.
Q Citizen of what State? A Kansas.
Q Where did you live in the year 1866? A Anderson County, Kansas, on the farm.
Q Where was that farm? A About two and one half miles from Garnett.
Q Did you know Mr. J. Y. Campbell? A Yes sir.
Q How far did he live from you? A His place is adjoining our place.
Q And were you acquainted with Tom Mayfield and his family? A Yes sir.
Q Where were they living in 1866? A They lived there on the place then, they moved on to Mr. Campbell's place up there.
Q Did they live on your father's farm? any time in 1866? A Yes sir.
Q When did your father die? A He died the 25th of July, 1866.
Q When did the Mayfields move off of your father's farm? A Along about the time he died, I am not positive it was right the month but it was close to that time.
Q Where did they move to? A Campbell's place.
Q Was that the J. Y. Campbell place? A Yes sir.
Q Into what kind of a house, if any, did they move? A A log house.
Q Were you acquainted with Nicey Mayfield? A Yes sir.
Q Were you with Tom Mayfield? A Yes sir.
Q Were just slightly acquainted with the Mayfield family or pretty well acquainted with them? A Yes sir.
Q Did they ever work for you? A Yes sir.
Q Do you know Charlie Mayfield? A Yes sir.
Q How long was it after the Mayfield s moved into that log house as you say on the Campbell place that they left that house? A I couldn't say just to the very month but it was along in the fall after my father's death.
Q Was it in the fall of the same year your father died? A Yes sir.
Q What year was that? A '66.
Q When was the last time that you remember of ever seeing Tom Mayfield and his family? A Well I couldn't tell to the very day, but it was just before they left there, I couldn't tell to the very day, just a little while before they left, they were fixing to go away.
Q Where were they fixing to go? A As I understood them to the Nation.

Q To the Cherokee Nation? A Yes sir.

Mr. Davenport: I object to telling what nation if they had a conversation with them, let the witness tell what they said.

On Behalf of the Commissioner: The objection will be noted.

Q In your best judgment when did Tom Mayfield and his family leave that community in Kansas? A Well it was along in the fall.
Q Of what year? A 1866.
Q How do you fix it that the Mayfields left Kansas in 1866, with what circumstance do you connect that memory? A Because I know from the time my father died.
Q And was it or was it not the fall of the same year? A It was the fall of the same year.
Q Do you know Mrs. Pattee, whether or not there was any general talk in that community between your father or any other of the white people up there and these negroes, including the Mayfield family, as to the time that these people should leave there and come to the Cherokee Nation.

Mr. Davenport: I object to that on the ground that it is incompetent, irrelevant and immaterial and would be heresay.

On Behalf of the Commissioner: Objection noted.

A Well they said there was a certain time they would kx have to be down here but of course I couldn't tell you, but that is what they said, they would have to be here a certain time.
Q Were the Mayfields during that time and those discussions making an effort to get ready to leave there? A Yes sir.
Q Did they ever talk the matter over with your father? A Yes sir, I think they did.
Q Did you ever see until today any of the Mayfields after the time you say they left there? A No sir, I never saw any of them except Charlie today.
Q Did you see Charlie Mayfield to day? A I did.
Q Is he the same Charlie Mayfield you speak of as being in Kansas?
A Yes sir.

BY MR. DAVENPORT:
Q How kargewas Charlie Mayfield the last time you saw him? A I couldn't tell you just how large he was. He wasn't more than---- he was just a boy.
Q About how large? A I don't know just how large he was. He wasn't so very large a boy.
Q He is a grown man now. It has been about 40 years according to your theory since you saw him until today? A Yes sir, just a small boy.
Q Do you want to be understood that you saw a boy 40 years ago, and after 40 years, since he is a grown man, that you knew him? A Yes sir, I saw him.
Q If you had met him on the street unless he was pointed out to you would you have known him? A No sir, nor would you either.
Q Would you ever recognized him when you saw him unless pointed out to you?

Mr. Patten: Attorneys for applicants object to the manner in which this question is put, being so rapid and not giving the witness time to answer

On Behalf of the Commissioner: The objection will be noted.

Mr. Davenport: The representative of the Cherokee Nation say that they have not put any rapid questions and I started to suggest to her to answer it yes or no, and I insist on the Commissioner to require it answered yes or no.

A Well I don't suppose I would or anybody else would if they had seen a little child that was grown up.
Q It has been something like 40 years since you saw him before until today? A It was just as I told you they went away in the fall of 1866.
Q Have you lived continuously in that community in Monroe Township, Anderson County, Kansas, since 1866? A No sir, I didn't say I did.

Mr. Patton: Attorneys for applicant ask that the witness be allowed to answer the question before another is put.

Mr. Davenport: I request that the Commissioner require the witness to answer the question the way it is given.

A No sir.
Q When did you leave Monroe Township after 1866? A We moved off of the farm up to Garnett there in 1866.
Q When did you move back to the farm in Monroe Township after 1866?
A I think we stayed up there a couple of years in town as near as I can remember.
Q As I understand you, you say your father died in 1866? A Yes sir.
Q Now is that the reason that you claim you remember when the Mayfield s left? A Yes sir.
Q Did you know Mr. Campbell, J. Y. Campbell? A Yes sir.
Q Did you know the foster boys that he raised? A I have seen them but I wasn't personally acquainted with them at the time.
Q You haven't lived at any time since, I understand you, more than 3 or 4 miles from the Campbell place? A Yes, I lived in Missouri one year.
Q What year was that? A I just can't remember now.
Q How old were you in 1866? A I am 61 now.
Q You fix the date as I understand you of their leaving there as being in the year 1866 because of your father's death in that year? A Yes sir.
Q Now can you tell me what year that old man Campbell took the foster boys? A No sir, I cannot.
Q You knew the family real well and lived near them? A Yes sir, but I just couldn't tell when they taken them.
Q Can you tell me what year the stone school house was built in your neighborhood there? A No sir, I can't.
Q What name was that school house known by? A The Ernest school house.
Q Can you tell me what year Mr. Lewis Ernest was tax assessor of Monroe Township, Anderson County, Kansas? A No sir, I couldn't tell the year.
Q Well he was assessor there? A I don't remember.
Q You don't remember that he did assess the taxes there in your township? A I don't remember about it now, it might have been so.
Q How far was the Ernest School house from your home? A I think it was a mile and a Half.
Q Did Lewis Ernest live near the school house? A Yes sir.

Q He lives up in that country yet doesn't he? A He lives in Garnett.
Q Did you ever know any other Mayfield family living in that township other than the Thomas Mayfield and his family? A Yes sir.
Q Are you able to state now that there wasn't any other Mayfield family that lived in Monroe Township since 1866 up until 868? A If there was I didn't know them.
Q Well you knew the neighbors around there? A I never knew any but them.
Q The Mayfields that you have been testifyin about were colored people? A Yes sir.
Q They had a boy in the family named Charlie? A Yes sir.
Q And he was about how old in 1866? A I don't know about how old he was, he was just a small boy when I seen him there. don't know how old, I never heard him say.
Q How old did he look to be? A I can't tell anything about the darkies, he was not a grown man, I told you that and I am not goin to tell you any more about that.
Q Can you remember any other fact that occurred in 1866 by reason of your father's death that the Mayfield family started back to the Indian Territory? A I don't know as that has anything to do with it, I know about these darkies and that is all I do know.
Q Did you ever know any other darkies in Monroe Township besides this family? A I know a man named Pegg Adams.
Q Did you ever know a family by the name of Duffin? A No sir, I wasn't acquainted with them.
Q You didn't go to school there in 1867 and '68? A No sir, I didn't
Q Did you know a lady who ~~xxx taught~~ school there in 1867 and '68 by the name of Maggie Smith? A There was one named Mary Stephenson. If there was I don't remember what year it was.
Q Did you ever know a girl that went to school there in 1867 or '68 by the name of Rabstock, or did you know the Rabstock family?
A I wasn't personally acquainted with the family.
Q Her first name was Dora? A I wasn't acquainted with her.
Q You can't remember any other insident except the incident of your father's death that occurred in the year the Mayfields left as I understand you? A Well I wasn't here to answer all such questions as that.

On Behalf of the Commissioner: Now Mrs. Pattee just answer the questions as near as you can.

A I don't remember.
Q Do you remember Mrs. Pattee whether or not you were living on that farm the winter of 1867 or '68, or living in Garnett? A As near as I can remember we moved up to Garnett in 1868.

BY MR. PATTEE:
Q Mrs. Pattee is the City of Garnett in Monroe Township? A I think it is. I am so forgetful I tell you, I am awful forgetful.
Q Just answer the question whether you know or what you think whether the city of Garnett is in Monroe Township? A I think it is.
Q About how large a place is it, how large a place is Garnett, Kansas? A I don't know how many inhabitants there is there.
Q Is it a little place or fairly good size one? A Just a fairly good county town, it is the County Seat of course.
Q Is it a County Seat town? A Yes sir.
Q Is it possible that in 1866, or '67 or '68 along there that a family by the name of Mayfields other than the applicants in this case could have ~~had~~ lived in Garnett and you not have known it? I mean in Monroe Township? A Well I don't think there could have been at that time. The only Mayfields that I heard of was that family.

Q Do you mean to say that you knew everybody in that County? A No sir, I don't.
Q Is not it possible that there were people in that County that you did not know? A Yes sir.
Q In 1866 and '67 about that time was it of such importance to you as for you to keep tract of who was officials and who was the assessor? A No sir, and as I say to remember circumstances that happened at that time neither.

BY MR. DAVENPORT:
Q Is it not possible that all grown young ladies know the name s of the Township officials in the State of Kansas?

Mr. Patten: I object to the question upon the ground that it is an expert question and calls for expert testimony, and is irrelevant to the case.

Q Do you want to be understood as saying that you don't remember and didn't know in 1868 the township officials in Monroe Township, Anderson County, State of Kansas? A Well I can't say that I did.
Q Do you want to be understood as saying that Lewis M. Ernest a man who you have admitted that you knew and who lived near your place in Monroe Township, Anderson County, State of Kansas, could have been tax assessor in your township and you not have remembered it? A Yes sir, there have been lots of things that I don't remember.
Q Do you now state it as a fact that you didn't remember that he was tax assessor in your township in Anderson County in 1868 and '69? A I don't know as I remember it just now, I might study it over awhile and it might come to me.

ON BEHALF OF THE COMMISSIONER:
Q Are you sure as to the date of the death of your father? A Yes sir.
Q Have you the date recorded in any book or anything? A We have got it in the Bible.
Q You have it recorded that he died in 1866? A Yes sir, in 1866, the 25th of July.

W I T N E S S E X C U S E D .

HIRAM SPRIGGS, being first duly sworn, testified as follows:

BY MR. PATTEN:
Q State your name? A Hiram Spriggs.
Q Where do you now live? A Manteen, Illinois.
Q What is your age? A I was 71 last January.
Q Were you a soldier in the Civil War? A Yes sir.
Q When did you return home after the war? A I returned home in September 1865? A
Q To where did you go? A I stopped right there at Garnett.
Q When did you go to Garnett after the war? A 1865.
Q Where were you living in 1866? A Living about a mile and a half southeast of Garnett.
Q Were you acquainted with John Gibson? A Yes sir.
Q Where did he live? A He lived about the same distance a little further southeast of Garnett.
Q Were you acquainted with J. Y. Campbell? A Yes sir.
Q Where did he live? A Still further east.
Q How far did Mr. Campbell live from where Mr. Gibson lived? A About a half mile.

Q Did their farms adjoin or did they not? A They did.
Q Do you know when John Gibson died, if he died at all? A Yes sir.
Q When did he die? A I would not be positive as to the day, but the month was July, 1866.
Q Where were you when John Gibson died? A I was at his house just a few ~~xxxxxx~~ minutes after he died.
Q Was there any one else at his house at the same time? A Thomas Mayfield was there, that was a colored man, and one of my brothers and his half brother. Gibson's half brother Jackson.
Q Were you acquainted with Thomas Mayfield and his family at this time? A I was acquainted with him more than his family, I knew them when I seen them.
Q At the time John Gibson died or thereabouts where was the Mayfield family living? A On Gibson's farm.
Q About how long after Gibson died did they continue to live on Gibson's farm in your best judgment? A It was a very short time.
Q Where did they move to? A They were building a cabin I think on Campbell and moved there a very few days after Gibson died, but I couldn't say just how many.
Q How frequently did you see Mayfield and his family during this time? A Well I couldn't say exactly, of course, but I saw them frequently probably once a week and maybe then not more than every two weeks.
Q Do you know about how long Mayfield and his family continued to remain in the log house that you speak of into which they moved on the Campbell place? A Well it was a short time not more than two or three months.
Q Did they move away from there? A Yes sir.
Q When did they move away from there? A It was the same fall, probably October I couldn't say as to the month either, but it was in the fall of '66.
Q Where did they go? A They said they were going to the Indian Territory to the Cherokee if I understand right.
Q When was the last time that you ever remember seeing Mayfield or his family? A Well it was in the early thrashing season, he was living on Judge Campbell's place and Campbellget in a great hurry to thrash and I saw him one day and I says, "Judge aint you getting ahead of the thrashing", and he says "I want to thrash before Mayfield goes away."

Mr. Davenport: I object to what that fellow said because it is heresay and incompetent, irrelevant and immaterial, as being a conversation had with this witness and some other party.

Mr. Patton: Attorney for the applicant also objects to the Attorney for the Cherokee Nation interrupting the witness.

Mr. Davenport: The Attorneys for applicants will have to object every time because the Attorneys for the Cherokee Nation will object when they seek to bring out such evidence.

On Behalf of the Commissioners: The objections will be noted.

A Well he said he couldn't get hands, that Mayfield was going to take a whole raft of the darkies away with him and it would be impossible to get hands.
Q About what time of the year was that? A Well it was in August sometime.

Q About what time of the year in your recollection was it that the Mayfields left that community? A Well I think October, I think it was probably later but at very much.
Q Did you ever see them in that community or elsewhere after that?
A No sir.

BY MR. DAVENPORT:
Q When did you move out of the Campbell and Gibson neighborhood?
A In '70.
Q You remember the fact of Mr. Campbell ~~making~~ taking two boys to raise? A Well he had two.
Q When did he take those two boys? A If I don't mistake they were with him when I come home from the army.
Q Do you remember their names? A Yes sir, Harvey and Tommy Foster.
Q You lived in Monroe Township, Anderson County? A Yes sir.
Q Did you know from the time you came out of the army up until 1870 or any other Mayfield family in that township? A If there was I didn't know them.
Q You were generally acquainted in the township? A Yes sir.
Q At that time ~~the~~ was not very thickly settled? A No sir.
Q How large was your township? A I think Monroe was six miles square.
Q You never heard of any other Mayfield family? A No sir.
Q Did you know a Charlie Mayfield at that time? A Yes sir, he was a small boy.
Q About how large was he? A I couldn't tell, he was just a small boy, probably 7 or 8 or 9 or 10 years old.
Q How far did you live from the Campbell place? A About a mile.
Q Did you make any dates as to the time you say that they were at this place, ~~t~~his threshing took place? A I didn't, I couldn't.
Q You are testifying solely from memory as to the dates it was?
A Yes sir, and from the death of this man Gibson.
Q Do you undertake to say that Mayfield was not in that country any time after the year of Gibson's death? A I don't undertake to say anything of the kind, if he was ever back there I didn't know it.
Q Was that before or after the stone school house was built?
A My recollection is this was before the school house was built.
Q Do you remember anything about a teacher by the name of Maggie Smith that taught school there? A Yes sir, I knew her.
Q Did you know the Rabstock family? A Yes sir.
Q Did they have any children? A Yes sir, they were very small.
Q Big enough to go to school? A I presume they were.
Q Are you able to say that the Mayfield family were not in that neighborhood and Charlie Mayfield never went to school there after the stone school house was built? A I say they were not there when that school house was built, the report was they went to the Nation.
Q Are you prepared to say that there was not a Charlie Mayfield living in Monroe Township in 1868? A I am not prepared to say anything about that, in fact I don't know, if there was any one there I don't know it.
Q Did you ever know of Lewis M. Ernest being tax assessor of Monroe Township? A Yes sir, I knew he was but I couldn't fix the date.
Q He lived in the neighborhood of the stone school house? A Yes sir, I think any it is called the Ernest school house.

BY MR. PATTEN:
Q Do you know what township in Kansas the City of Garnett is in?
A Monroe.
Q Do you know what size place Garnett, Kansas, is? A Well I have been away from there along time, I think it is about 4 or 5000.

Q Is that just your judgment? A Yes sir.
Q Did you ever talk with Sam Mayfield upon the question, he or any of these negroes up there, coming to the Cherokee nation or the time that they should come here?

Mr. Davenport: I object to that as being incompetent, irrelevant and immaterial and tending to bring out discussions in the interest of the applicant.

On Behalf of the Commissioner: The objection will be noted.

A Yes sir, frequently talked with him, at different times I talked with Mayfield and asked him if he was coming back and he said he was.
Q Were you acquainted at that time with the provisions of any Treaty that had been made requiring these people to return? A What I read in the papers.
Q Did you say anything to Mayfield about what you knew? A Yes sir, I told him he would have to be down here against a certain time, I think it was sometime in February 1867, I think that was the date.
Q Anyway you told him he would have to be down here a certain time?
A Yes sir.
Q Did you ever talk with him and advise him to come? A Yes sir, I did.

Mr. Davenport: I object to that and move to strike it out of the record on the grounds that it is immaterial and a declaration in the interest of the applicant, and heresay also.

On Behalf of the Commissioner: The objection will be noted.

BY MR. DAVENPORT:
Q When was it you talked with him? A At different times.
Q Well what year? A I talked with him in 1865, in '66 I mean, at the death of Gibson him and me were there at the same time.
Q You talked with him about the provisions of the Treaty during the time of Gibson's death? A Yes sir.
Q You told him then there was a certain time fixed he would have to get back? A Yes sir.
Q What was what month? A July, 1866.
Q You had seen the Treaty I believe you said? A Had seen it in the papers, yes sir.
Q You advised him? A Yes sir, I did.
Q Don't you know if you know anything about it at all that it wasn't ratified until the 11th of August, 1866? A I told him if ratified.
Q You didn't say ratified awhile ago? A I don:t know as I did.
Q Where did you get the suggestion that he had to be back sometime in February? A Out of the papers.
Q Out of what paper? A The St. Louis Democrat.
Q The St. Louis Democrat was running in 1866? I want you to answer that question yes or no. Was the St. Louis Democrat running in 1866 and being published as a paper? A To the best of my knowledge it was.
Q You answered me awhile ago that you saw the publication in regard to the Treaty in the St. Louis Democrat in 1866, I want to know now if that was a fact, if that paper was published in St. Louis and known as the St. Louis Democrat in 1866? A To the best of my knowledge, but it might have been in the St. Louis Democrat Republic.
Q Do you know what paper you saw it in? A That was the paper, the St. Louis paper.

J. M. JOHNSTON, being first duly sworn, testified as follows:

BY MR. PATTEN:

Q What is your name? A J. M. Johnston.
Q How old are you? A I am past 74.
Q Where do you live? A I live in Anderson County, Kansas.
Q What is your citizenship.? A I guess I am white if I am washed right clean. I am a United States citizen.
Q Where were you living in 1866? A I was living in Anderson County, Kansas, in Johnson Township.
Q How long have you lived in Kansas in that community? A Lived there 49 years.
Q Were you acquainted with John Gibson in 1866? A Yes sir.
Q Were you acquainted with J. Y. Campbell? A Yes sir.
Q Where did John Gibson live in 1866? A I cannot tell the exact distance but he lived a little south but more east of Garnett, two miles I think or somewheres near there.
Q How far did J. Y. Campbell lived from John Gibson's place? A They were adjoining places, Campbell right over east.
Q Do you know when John Gibson died? A Well I think I do.
Q When was it? A In 1866, July 25th or 26th, I wouldn't be positive.
Q Were you acquainted in 1866 with a family by the name of Mayfield?
A I am.
Q Was that Tom Mayfield and his family? A Tom Mayfield and his family.
Q At the time that John Gibson died where, if you remember, was Tom Mayfield and his family living? A They were living in a little house on Gibson's place.
Q How long did they continue to live in that house? A But a short time.
Q Where did they move? A They went on to the Campbell farm.
Q Was that the J. Y. Campbell farm? A Yes sir, they leased a piece of land from him.
Q What kind of a house did they move into on the Campbell farm?
A You might call it a pole house or a little log cabin.
Q How long did they live in the house on J. Y. Campbell's farm?
A Well to my best recollection they didn't live there more than three months after they moved there.
Q Where did they go from there? A I couldn't tell where they went to but they were talking of coming to the Indian Nation.
Q When did Tom Mayfield and his family ~~kkxx~~ leave that community in Kansas? A I think they left there the last of September or in October, 1866.
Q Where was it understood or where did they say they were going?
A Going to the Nation to claim their headright.
Q What nation? A The Cherokee as I understand it.
Q What year was that in? A It was in '66.
Q How do you remember that it was in the year 1866? A Well sir to my best recollection was, Gibson was a half brother of mine and they were living there on that place at the time he died and he died in 1866.
Q Did they leave that community for the Cherokee Nation as you understand it? A Yes sir as I understand it, in the fall of the same year that he died.
Q When was the last time that you remember of seeing Tom Mayfield or his family? A I think it was in September sometime.the same year.
Q Do you remember where you saw them or how you saw them? A I saw them in Garnett.
Q What were they doing there? A We would meet there occasionally.

Q Were they talking about coming to the Cherokee Nation at that time? A Yes sir, they were talking about coming to th Cherokee Nation.
Q After the time you say they left or about the time you say that they left that community, did you ever see them in that community afterwards? A Never.
Q Do you remember whether or not there was any talk with these freedmen by the white people around there or whether any one ever advised them to leave there for the Cherokee Nation?

Mr. Davenport: I object to that on the ground it is incompetent, irrelevant and immaterial, and it would be heresay.

On Behalf of the Commissioner: The objection will be noted.

Mr. Patton: The Attorneys for applicants offer this evidence and that which has been previously offerred for the purpose of showing that these people who were negroes and the former slaves of Cherokee citizens were advised and had information in 1866 that they must return to the Cherokee Nation within a certain time, and further offer said evidence for the purpose of showing that information and suggestions by competent persons as an inducement to them to leave Kansas and return to the Cherokee Nation within the prescribed time of the Treaty of 1866.

Mr. Davenport: The Attorneys for the Cherokee Nation object to arguments bing placed in the record for the purpose of suggesting to the witness what they desire to bring out by the questions, and on the further ground that it would certainly be immaterial, the only question being did they or did they not return within the time, and not statements made by any party, that would certainly be immaterial.

On Behalf of the Commissioner: The objection and reply will be noted.

A Yes sir, they did.
Q Do you remember who, if any one, did? A Well I advised them myself to come and take their headrights.
Q Did any one else besides you ever talk with these folks that you knew of? A Yes sir, a good many, there was Judge Spriggs talked to them.
Q Who was Judge Spriggs? A Well they always called him Bill Spriggs there in Anderson County.
Q Did he hold any official position at this time? A Now I can't answer whether he did or not, he had held before that time.
Q Do you know what position he held? A He had been State Treasurer.

Mr. Davenport: I object to that, a man can swear the truth that is a private citizen as well as an official.

On Behalf of the Commissioner: The objection will be noted.

Q Do you know whether or not Judge Spriggs advised these colored people about their return? A Yes sir.
Q Did you advise them? A Yes sir.
Q What did you tell them?

Mr. Davenport: I object to that it is incompetent, irrelevant and immaterial.

On Behalfof the Commissioner: The objection will be noted.

Q What did you tell them? A I told them they ought to r turn and get their headright, it belonged to them.
Q Did they manifest any disposition to act upon your suggestion?

Mr. Davenport: I object to that, it is incompetent, irrelevant and immaterial, and it is also leading.

On behalf of the Commissioner: The objection will be noted.

A They talked like they were going and making preparations to go.

BY MR. DAVENPORT:
Q How near to the Gibson place did you live in 1866? A I lived about four miles I believe.
Q Did you ever know any other Mayfield family in Monroe Township?
A No sir.
Q You lived near there or in the township since the war? A Yes sir.
Q Has there been any other Mayfield family in that township? A Not that I know of.
Q Did you ever know but the one Charlie Mayfield in that township?
A Not but the one.
Q Where did he leave when you knew him as Charlie Mayfield? A In the Gibson place and then on to the Mayfield place. As to where they always did live there, they moved around occasionally before they first come out of the nation~~bookbookbookbk~~
Q Do you know what year the poster boys were taken by Campbell?
A No sir, I don't.
Q Was that in 1866 or before that? A I cannot tell you but I think it was somewheres about that time, but then I don't fix my memory as to that.
Q Well 1866 was the year your half brother Gibson died? A Yes sir.
Q It was the year the Mayfields moved from the Gibson place to the Campbell place? A Yes sir.
Q Why can't you remember that was the year Campbell took these boys?
A I remember the boys but I can,t remember just the year.
Q You didn,t make any data or memorandum of these years? A I fix my memory by things that actuall occurred.
Q Well I asked you from that memory that your half brother died in 1866, did Campbell take the poster boys at that time? A I knew the boys but not frequently at that time.
Q was the stone school house built at that time? A I can fix that well, I quarried the rocks for the school house.
Q Was the fall of 1866 or not? A It was the fall of 1867.
Q What time of the year was it finished? A It was in the fall I think.
Q The first school held there was in the winter of 1867 and '68?
A I think it was.
Q What year was Lewis M. Ernest tax assessor in that township?
A Well I didn't live in the same township, but I knew he had been assessor there.
Q Well you never knew but the one Charlie Mayfield? A That was all.
Q When was it you were talking to them ~~in~~ about coming back to the Cherokee nation? A I think it was in September or August.
Q Hadn't talked to them before about it? A But very little.
Q They were living then where? A On the Campbell place..
Q Were you present when you say Mr. Spriggs advised them? A I have heard him talk to them.
Q Where was that? A I can;t tell you just exactly the place.
Q Well it has been 40 years ago? A Yes sir, 40 years ago is a good long while for a man to fix it.
Q Your memory seems to be very bright as to 1866? A Yes sir, on some things.

Q I notice? A Yes sir, on some things.
Q Your memory doesn't seem to be so bright as to where the conversation took place with Spriggs? A Well part of the talk, I was in the mill business there, and I talked with them when they come to the mill and I have met them in town.
Q Did you ever know any other colored people that lived there in that neighborhood b sides the wayfield family? A Yes sir.
Q What was their names? A There was some Reans and there was an old negro preacher, that is the way we always named them.
Q You never knew the Duffin family? A Yes sir, I knew the Duffin family.
Q Didn't they live there part of the time the wayfield family lived there? A Yes sir, lived there on Campbell's place.
Q Both left there about the same time didn't they? A Well now I don,t think they did at the same time.
Q Well how long, how much difference between their leaving? A I couldn't tell you that.
Q Can you tell me whether you saw one leaving there one year and the other the next? A I didn,t see any more of the Duffin family or the wayfield family. after 1866 I don,t think.
Q As a matter of fact they both did leave there at tht same time?
A No sir I don,t think they did.
Q Well do you know? A I don't know positive when the wayfield family left, I know they left the neighborhood and was talking of going to the Nation.
Q But you don't know when they left? A No sir, not exactly.
Q And you don't know whether or not the Duffin family left with them or not? A No sir, they lived in the same house.
Q You don't know whether it was a double log house? A Yes sir.

Mr. Patten: Attorneys for applicant object to questions relative to when the Duffin family left on the ground no such examination was gone into in chief.

On Behalf of the Commissioner: The objection will be noted.

Q Do you remember Waggie Smith a school teacher there? A I remember her.
Q Do you remember the Rabstock family? A Yes sir.
Q Did they have some daughters? A Yes sir.
Q Do you know whether or not they had one named Dora, who is now Mrs. Crozier? A Yes sir.
Q They lived in that neighborhood about the time the stone school house was built? A Yes sir, they lived there.
Q The Foster boys lived at old man Campbell's after the stone school was built? A Yes sir, I knew them shortly after the school house was built, knew them before but knew them better afterwards than I did before.
Q Do you undertake to say that Charlie Mayfield didn,t go to school at the stone school house? A I don't know whether he did ever go to school a day in his life or not because it wasn't in my school district or township, and of course I never paid any attention to that.

BY MR. PATTEN:
Q When was the last time that you ever remember of seeing Tom Mayfield and his family? A I think it was in September or October, 186[illegible].

ON BEHALF OF THE COMMISSIONER:
Q Do you know which left Kansas first, Duffin or the Mayfields?
A I do not.

WITNESS EXCUSED.

JAMES GIBSON, being first duly sworn, testified as follows:

BY MR. PATTEN:

Q State your name? A James Gibson.
Q Where do you live? A Garnett, Kansas.
Q How old are you? A 84.
Q Were you any relation to John Gibson? A He was my father.
Q Where were you living in 1866? A On our home place east of Garnett.
Q How far? A About two and a half miles.
Q Were you acquainted with a family by the name of Mayfield?
A Yes sir.
Q Did this Mayfield family ever live on your father's place? Yes sir.
Q Where was Tom Mayfield and his family living in the fall of 1866? A They lived on Judge Campbell's place.
Q How far was that from your place? A Adjoins it on the east.
Q Were you pretty well acquainted with Tom Mayfield?and his family? A What time he was there on our place, yes sir.
Q Do you know how long Mayfield and his family remained on the Campbell place after he moved there? A They ~~xxxxxxx~~ left in the same fall that my father died.
Q Where did they go or supposed to have gone? A To the Cherokee Nation they said.
Q What year was that? A 1866.
Q When was the last time that you ever remember of seeing Tom Mayfield and his family? A Right there at our old home house.
Q When was that? A 1866 when they said they were going to the Nation.
Q Were they loaded up? A Yes sir.
Q Were they at your home? A Yes sir.
Q What did they come there for? A Come past, that was their road to pass that he was on from Garnett and to bid us good bye they said.
Q Where did they say they were going? A To the Cherokee Nation.
Q Who was in that crowd? A The old man, Charlie Mayfield, Thomas Mayfield, Nicey Mayfield, and Nicey's sister, Rhoda Davis.
Q Did you ever see them in that neighborhood in Kansas or any other place after that? A No sir.
Q Do you know where the Ernest school house is? A Yes sir.
Q What kind of a school house is that? A It is a frame schoolhouse.
Q Is there a stone school house up there anywhere? A Not now.
Q Was there about those times? A There was a stone school house built there.
Q When was that stone school house built? A I don't know, I was in Missouri.

BY MR. DAVENPORT:

Q What time did you go to Missouri? A In the fall, I never kept the dates of things.
Q In the fall of what year? A The next fall after my father died.
Q That was in 1867, in the fall? A Yes sir.
Q How old were you then? A I must have been about 13, I don't recollect exactly.
Q You stayed in Missouri how long? A Now ~~xxxxxxxxxxxxxxx~~ for that matter I can't tell you exactly, because my mother after my father's death became dissatisfied and she went backwards and forwards several times and I never made a date or the time how long I stayed at no one time.
Q You were large enough to remember going to Missouri? A Yes sir.
Q And now can't tell me how long you stayed? A No sir.
Q Can you tell me how old you are now? A Yes sir, I am 84.

Q What year were you born? A Well figure it and you can tell it.
Q I am asking you? A I couldn't tell you, I aint got a very good education.
Q You can remember the year you were born without being educated?
A I guess not.
Q You seem to remember the year you went to Missouri? A Well the reason of that is on account of my father's death.
Q Now you remember your father died in 1866? A Well of course, you look on the tomb stone you will find that.
Q Your father died what day and month? A He died in 1866, in July the 28th.
Q You took that from the tomb stone I understand you to say? A Why of course I did, that is a record that wouldn't lie.
Q I say did you get that from the tomb stone or conversationwith the other witnesses? A No sir, I haven't had any conversation with other witnesses.
Q You never talked with your mother? A I haven't seen my mother until day before yesterday for 3 or 4 years.
Q Since you came here you haven't gone over with the other wi nesses as to the date of your father's death? A No sir.
Q Did you know J. Y. Campbell in 1866? A Judge Campbell adjoined farms to us.
I asked you if you knew him in 1866? A Yes sir.
Q Do you know Maggie Smith that used to teach school there in that neighborhood in 1867 and '68? A No sir.
Q Did you know George E. Duffin a colored fellow that used to live up there? A No sir.
Q Do you know the Foster boys that used to lie with Mr. Campbell?
A Yes sir.
Q How long have you known them? A They come there to the best of my recollection in the year after the war.
Q Well what year was that? A '66 I believe, aint it.
Q Was the Foster boys living at old man Campbell's place at the time of the death of your father? A I couldn't say for that.
Q That is the date that you remember distinctly,now can't you tell me whether or not these boys were living at a neighbors of yours three quarters of a mile of you at that time? A No sir, I can't, I will tell you just the fact when they come there, they lived with a man named Choate the last school, I recollect going there and they lived right there south of it.
Q When you say them, who do you mean? A Tom Foster and Harve.
Q When do you first know of them living with ~~xxxxxxxxxx~~ with Mr. Campbell with reference to your father's death? A Well now I couldn't say to that, they come there and stayed there with old Judge Campbell, --I couldn't say that.
Q When did you first know of them being with Mr. Campbell with reference to the time you say you saw the Mayfield's loaded up to go somewhere, was it before or after? A I believe the next year after.
Q You say after the Mayfield's were loaded up to go? A Yes sir.
Q What kind of teams did you see the Mayfield's have when they started? A One little bay mare that he had when he was on our place, and a bay horse was the only team he had.
Q Did he have any other horses? A No sir, not when he was on our place.
Q I am not asking about on your place, I am asking you when he started? A That is the only team he had.
Q I am not asking what he had on your place, I am asking you what kind of teams he had when you saw him come by your place going to the Nation? A I couldn't describe only those two because they were raised there on our place.

Q Did he have the mare and pony when he started to the Nation that he had on your father's place? A No sir.
Q Did he have the mare and pony when you say you saw him on his way to the Nation? A I told you he did.
Q Did he have any others? A I can't say that they belonged to him.
Q I am not asking to whom they belonged, I am asking you what the teams consisted of? A They were horses.
Q He had two as I understand you? A I didn't say he had but two, I only knew of him having two horses.
Q Were there anybody in the crowd besides Tom, his wife, Charlie, and Rhoda Davis? A That is all I recollect of being in the crowd, I don't think there was anybody else.
Q How many wagons had they? A Two.
Q Who were driving the wagons? A Old man Mayfield was driving one and I think it was Rhoda Davis, no I believe it was his wife driving the other.
Q What other stock, if any, did they have besides the teams they were driving? A Just the two horses.
Q What time of the year was this? A Along in the fall.
Q Before or after corn gathering time? A Well now I don't know about that, along late in the fall.
Q You don't know whether they were gathering corn or not? A No sir, I don't, because at that time there wasn't much corn gathering done there, it was a new country and they most generally cut the corn up.
Q How large was Charlie Mayfield at that time? A He was just a small boy.
Q Well about how large? A I couldn't say his weight or anything like that because I knew nothing about what he would weigh.
Q Did he look like he was a year old or like he was 17? A I could not tell you for that.
Q Was he large enough to go to school or not? A Yes sir, he went some few days, I don't recollect exactly how much he did go.
Q How large was Rhoda Davis? A She was a married woman.
Q Where was her husband, do you know? A I couldn't tell you to that fact.
Q Did you ever know any other Mayfield family in the township?
A No sir.
Q How long did you continue to live in that township Mr. Gibson?
A We left the next year, in '67. After my father died we went to Missouri and we come back then I think it was probably a year or two years before we come back.
Q From the time you went to Missouri until the time you come back, for about two years, you don't know anything about what took place in the township there? A No sir.
Q Were the foster boys big enough to go to school in 1866? A Well they were small.
Q Did you go to school in 1866 there? A Yes sir, some.
Q Who did you go to school to? A A lady named Mar. Stephenson.
Q Did you go to school there in 1867? A No sir.
Q Did the foster boys go there in 1867? A I couldn't tell you.
Q What year was the stone school house built? A I couldn't tell you.
Q Hadn't commenced it when you left? A No sir.
Q Was it completed when you come back? A Yes sir, I was gone two years.
Q Had they been having school there? A I suppose so, I couldn't say as to that, I don't know.

Q The Foster boys were still with old man Campbell when you came back to that neighborhood, were they not? A I couldn't tell you as to that because I never went back on the farm, lived in town.
Q Did you ever see them after the time you left to go to Missouri?
A Never saw them any more I guess probably until they were young men.
Q After you left there then in 1866 from the neighborhood of your father's old place you didn't go back into that community for several years? A No sir, of course I would go back and forwards but I never attended to anybody's business but my own.
Q Are you in a position to say whether or not Charlie Mayfield did not attend school in that stone school house in the winter of 1867 and '68? A If he did I never knew it.
Q I say can you say if he did or did not, answer me yes or no?
A Well I couldn't say to that.

Mr. Patton: I object to the question upon the ground that in the manner it is put it is impossible to give an answer yes or no.

On behalf of the Commissioner: The objection will be noted.

Q I will ask him so he can state to me yes or not, whether in the winter of 1867 or '68 Charlie Mayfield went to the Ernest school house, which was a stone building? A I told you I couldn't state it, I don't want to tell nothing that I don't know, to say yes or no I think that is a little out of place.
Q Do you mean by being out of place that it is not the fact or that it is not the proper thing to say? A I mean simply that it is not the proper thing to say because a man couldn't say yes or no without being certain.
Q You don't seem to remember any dates except with reference to 1866 that transpired there in that neighborhood? A I never attended to any of my neighborhood business.
Q Do you testify as to your father's death from memory or from the record at home? A Well from the date that is supposed to be the record.
Q You haven't seen, I believe you say, any Mayfield family since they left there? A No sir.
Q You can't tell me whether it was 1866 the Foster boys went to the Campbell place or not? A No sir.
Q That was the same year your father died? A Just as I told you, the lived there by old man Choate's the first I knew the boys.

BY MR. PATTON:
Q Were you intimately acquainted with the Mayfield's at this time?
A You see they lived just east of our house just a little ways in a little log house there and of course I was acquainted with them.
Q Were you intimately acquainted with the Foster boys? A Just by seeing them you know ever once in a while. I knew their faces and such as that.
Q Did the Mayfields during 1866 or any time previous to that live on your place or work for your father, any time before 1866, before your father died? A Before he died he broke up some prairie for my father just before he died in July broke a strip out and that is all I recollect of him doing any work for us.
Q Now state why you cannot positively say yes or no to the question as to whether or not Charlie Mayfield went to that school in the year 1867 or '68? A Well when the last year that I went to the school to that log school house that was the last year I went there because we left.

Q Did Charlie Mayfield go to school to that log school house the last year you did? A Yes sir, just a few days.
Q Were you in that community in 1867 or '68? A L868 I know I was not.
Q Where were you in 1867 the year after your father died? A Well we left along in the fall and went to Missouri.
Q Then you were not in that community in 1867? A No sir.
Q Is that why because you were not in the community that you would not state positively yes or no that Charlie Mayfield did or did not go to that school? A Well I know they claim to left there. When they come past they said they were going then to the Nation and I never saw them any more.

BY MR. DAVENPORT:
Q The reason is you went away from there sometime in 1867? A Along in the fall.
Q You stayed there then a year or more after your father's death?
A Somewheres near there.
Q If you stayed until the fall of 1867 didn't you stay more than a year after your father's death? A I couldn't say for that.
Q You know when your father died don't you? A Yes sir.
Q Don't you know he died in the early part of the summer or middle of the summer? A I know he died in July.
Q Is not that in the summer time? A It aint cold weather.
Q Don't you know it isn't in the fall of the year? A No sir.
Q Then if you didn't leave until the fall of 1867 it was more than a year after your father's death until you left? A You might mean it that way but I would not.
Q You haven't a very good memory anyway have you? A Well as good a memory as I can have and that is all anybody can have.

W I T N E S S E X C U S E D .

JOSEPH HARDESTY, being first duly sworn, testified as follow :

BY MR. PATTON:
Q What is your name? A Joseph Hardesty.
Q Where do you live? A I live in Anderson County, State of Kansas.
Q How long have you lived there? A 40 years.
Q Where were you living in the year 1866? A I was living there.
Q How old are you? A 57 years old.
Q Did you know John Gibson in the year 1866? A I did.
Q Where did he live? A He lived right southeast of town about a mile and a half or two miles.
Q Do you mean southeast of Garnett? A I do.
Q Did you know J. Y. Campbell at that time? A Yes sir.
Q Where did he live? A Southeast of Garnett.
Q How close did he live to John Gibson? A Farms adjoining.
Q Did you know in 1866 a family by the name of Mayfield? A I did.
Q Do you know where Mayfield and his family were living in the year 1866? A I knew where they lived part of the time.
Q Do you remember when John Gibson died? A I do.
Q When did he die? A July 25, 1866.
Q Do you remember where the Mayfields were living when he died? A I do.
Q Where? A On old father Campbell's place.
Q They were living on the Campbell place? A Yes sir.
Q In what kind of a house was he living in on the Campbell place?
A Log house.
Q Do you remember when they ~~knock~~ left that log house, moved out of it? A Not right to the date or month I don't.

Q In your best judgment? A They left there in the fall of '66, what month I don't just remember.
Q Do you know where they went or where they intended to go when they left there? A To go to the nation.
Q Was it generall reported or did they say so?

Mr. Davenport: I object to what was generally reported as being incompetent, irrelevant and immaterial.

On behalf of the Commissioner: The objection will be noted.

Q That they were going to the nation? A That is what they said, that they were going to the nation, I didn't ask them what nation it was.
Q When was the last time that you ever remember of seeing Tom Mayfield and his family? A It was at old man Campbell's.
Q What was goingon there? A We were threshing there.
Q And when was that? A That was in 1866, the fall of '66.
Q Do you know whether or not at the time you say you saw them that they were making any preparations to leave? A All I know they said they were ready to go to the nation.
Q Did you ever see them after that? A Never.
Q Do you remember when the stone school house in that community was built? A In '87.
Q In what year? A 1867.
Q 1837? A '67 I mean.
Q Was that built before or after the time that the Mayfields left there? A It was afterwards.

BY MR. DAVENPORT:
Q Did you ever know in that community any man by the name of Charlie Mayfield excepting a son of Thomas Mayfield? A I did not.
Q Was there a man who lived in Monroe Township in that neighborhood in 1866 or up to and including 1869 by the name of Charlie Mayfield other than this Mayfield family of which you have spoken?
A No sir.
Q What Mayfield family was a colored people? A Yes sir.
Q And had a boy by the name of Charlie? A Yes sir.
Q You say you remember the date of the death of Mr. Gibson? A I do.
Q Have you carried that in your memory ever since? A No sir.
Q How do you fix the date? A I fix the date from the monument in the graveyard.
Q You have examined that recently? A No sir, not at all, we were there digging a grave by the side of it and I happened to see it was the old man's grave.
Q Was it since you were summoned? A No sir, it was before that, before we thought of being summoned.
Q You haven't talked with any of the witnesses as to the date of the death of the old man coming down here? A No sir.
Q Fixing the date of Gibson's death in July 1866, tell me what year it was old man Campbell adopted the Foster boys? A Now you have got me for I know nothing of it.
Q How near did you live to the Gibson and Campbell people? A A mile or two.
Q You knew the Foster boys were raised by Campbell? A Yes sir.
Q You know they were adopted? A Well now as far as I know, I don't know anything about it.
Q Lived right there in the neighborhood all the time? A Yes sir.
Q And you cannot remember anything except about this colored family that lived there in that neighborhood? A I remember them.
Q You don't remember anything about your neighborhood Campbell taking two boys and raising them? A I don't remember it.

Q Tom Mayfield adopted by him were they not? A If they were I don't know it.
Q Never heard him say anything about that? A Never did.
Q You heard the Mayfields talking about coming back to the Nation?
A I heard them say the Territory or Nation.
Q What did they call it? A The Nation.
Q You were associated with Campbell's people as much so as with the Mayfields? A A great deal more because I was at work with them.
Q You neverheard anything said about the boys being adopted?
A Never did.
Q Do you know Lewis T. Ernest? A I do.
Q Was he ever tax assessor in your township? A Yes sir.
Q What year? A I don't remember.
Q He had to assess your taxes about that time? A I wasn't bothered with taxes about that time.
Q You were under the exemption clause? A I think I was.
Q Do you remember what the exemption clause was at that time?
A $200.00.
Q Wasn't your taxes assessed anyway? A I wasn't old enough to be taxed then.
Q Did you ever know a school teacher that taught school at the stone school house by the name of Maggie Smith? A I did.
Q Do you know what year she taught there? A No sir.
Q It was after the school house was built? A Yes sir.
Q And that school house wasn't built until 1867? A That is when it was built.
Q Did you know any other colored family in that township at that time? A Yes sir.
Q Do you remember their names? A Yes sir.
Q What was it? A Some colored people named Bean and some colored people there named -----
Q You don't remember anything about their leaving? A No sir, the whole outfit was intending to leave.
Q All left about the same time? A They might have, I don't know.
Q You don't know of your own knowledge when any of them left?
A Not to the day I don't because I wasn't mixing about somebody's else affairs.
Q You cannot remember anything that happened except in 1866? A Why yes.
Q Well now what happened in 1867? A Of course a person would remember lots of things from 1866 on.
Q There wasn't nothing special that happened in 1866? A Yes sir, there was.
Q What was it? A One of them Beans got caught under the beam of the trahshing machine.
Q Why do you remember it? A Because it was my first year with a thrashing machine.
Q You ran a machine in 1866? A I was working for Mr. Campbell.
Q Were you running the machine or as it Mr. Jackson's? A No sir, it wasn't Mr. Jackson's.
Q Did you run a machine in 1868? A Yes sir.
Q In 1867? A Yes sir, in '67.
Q Now you ran it for three years why do you remember it was distinctly that a man got caught? A Why anybody would remember that a man getting caught in a shaft that way.
Q You would have remembered it just as well as if it had been the last year as the first year? A I suppose so.

Q You don't tell me after reckoning all that time that year the Foster boys went to the Campbell place? A No sir, I don't.
Q You can't tell what year that Maggie Smith taught school at that place? A No sir, cause that wasn't in our district.
Q Did the Campbell's live in your district? A No sir.
Q Did the Mayfields? A No sir.
Q Did the Reams? A No sir.
Q Where were you threshing at the time the Bean boy got caught?
A At Campbell's.
Q You cannot remember anything else only the Bean proposition and the Mayfields? A No sir.
Q You didn't see them start? A No sir.
Q You don't know anything about what kind of teams they had? A No sir.
Q You don't know what team that was? A No sir.
Q You don't know when they went? A No sir, only what they said.

BY MR. PATTON:
Q How do you remember that it was 1866 that the Mayfields left there
A Why I being during this threshing at Mr. Campbell's and we were scarce of men and couldn't get men to help do the work and hired them to help do his threshing that is how I know.
Q Was that your first year with the machine? A That was my first year.

BY MR. DAVENPORT:
Q Didn't thrash for Campbell the second year? A Yes sir.
Q How do you want to be understood that you remember the incident of scarcity of hands the first or second year you thrashed for a man 40 years ago? A I can remember it just as well as I remember seeing you.
Q And you remember a transaction of that kind that took place 40 years ago? A Yes sir.

BY MR. PATTON:
Q You remember when John Gibson died? A Yes sir.
Q And was this the summer of the same year? A Yes sir.

BY MR. DAVENPORT:
Q Why do you remember it was the summer of the same year, do you couple the two incidents together, thrashing for Campbell and Gibson's death? A No sir.

W I T N E S S E X A M I N E D .

JOE DAVIS, being first duly sworn, testified as follows:

BY MR. STARR:
Q What is your name? A Joe Davis.
Q What is your age? A 51.
Q What is your post office? A Vinita.
Q What is your occupation? A Barber.
Q Were you acquainted with Thomas Mayfield in his lifetime? A Yes sir.
Q Are you acquainted with Charlie Mayfield? A Yes sir.
Q Where were you at the close of the Civil war? A I was in Fort Gibson.
Q Where were you in 1866? A I was at Gibson and Spring Creek, up and down the river.
Q When was the first time you ever saw Thomas Mayfield after the close of the Civil war? A Sometime in the fall of 1866.

Q Where was that? A Right up there on Lynch Prairie on the east side of Grand River where he has been living for some 30 odd years.
Q What was he doing there? A Living there.
Q When was the first time you ever saw Charles Mayfield after the close of the Civil War? A In the fall of 1866 with his father there.
Q When was the first time you ever saw Nicey Mayfield? A Right there with her husband.
Q Who else was with them? A Aunt Rhoda Davis at that time.
Q Did she have anybody else with her? A Yes sir, her baby Sabie.
Q Is that child living yet? A Yes sir, Tom Moore's wife.
Q Wife of Thomas H. Moore? A Yes sir.
Q What kind of a house was Thomas Mayfield living in when you saw him in 1866? A In a log house.
Q Did he continue to live at that place after that? A No sir, he was building a new house at the time.
Q Where was that new house? A Up about, I don't know, it was 50 or 60 yards I guess from the old house, maybe further than that.
Q Where did Thomas Mayfield live from the time you saw him in 1866 at the place you state you saw him until his death? A Well he lived on that old place I guess up until about 9 or 10 years ago he moved away from his old place further east where he died at. When he first come here he settled on his old place and lived there for some odd 30 years.
Q Where did Charlie Mayfield live continuously after you saw him in 1866? A Up and down Grand River, lived part of the time with his father, then he married.
Q Did you see him very often after that time you saw him on Lynch Prairie in 1866? A Growed up with him.
Q What is your citizenship? A Cherokee freedman.
Q Are you regularly enrolled? A I am.
Q Have you received your allotment of land? A Yes sir.

BY MR. DAVENPORT:
Q You are 51 now I believe you say Joe? A Yes sir.
Q Had you known Thomas Mayfield before the war? A Yes sir.
Q How old were you when the war broke out? A I guess I was 6 or 7 years old.
Q How near had you lived to Thomas Mayfield before the war broke out? A Must have been 10 or 12 miles.
Q Where did you live when the war broke out? A Right where Stilwell is now.
Q Where did Tom Mayfield live? A He lived up I think, it was 10 or 12 miles from there, up about Mayfields.
Q You don't know? A No sir, not exactly.
Q You didn't go to the State of Kansas where they went during the war? A No sir.
Q You don't know of your own knowledge where they did go? A No sir, only what they said.
Q You were about 11 years of age were you not when you claim you saw them back on Lynch Prairie? A Yes sir, I was about 11 years old.
Q At what place were they? A Right on the place where he settled.
Q Near whose place? A Well I don't know whose place it is near now.
Q There was some improvements at that time, other places improved?
A Well they may have been, not close around there.
Q You were not living there in that neighborhood? A No sir.
Q You had been living at Fort Gibson? A Yes sir.
Q And had gone up that way? A No sir, I settled about 12 or 15 miles below that.
Q With whom? A Uncle William Tucker.

Q How come you up there? A Went up with Uncle Jim Davis, he sent Aunt Rhoda up down from Kansas with Thomas Mayfield.
Q You went up where Mayfield was with your Uncle Jim Davis? A Yes sir.
Q Whose houses did you pass as you went up there? A I couldn't tell you.
Q You went from Fort Gibson? A No sir.
Q Where did you start from? A From Spring Creek.
Q Who were living near you on Spring Creek? A They were all Indians. Polly Blackbird.
Q When you went to the Mayfield place did you pass any houses from the time you left until you got there? A Yes sir.
Q Did you know whose they were? A No sir.
Q On Lynch Prairie who did you find living there? A Several people.
Q Do you remember their names? A No sir.
Q Have you ever learned since the names of who lived up there?
A Yes sir, I have some since of late years.
Q Who was that? A Lets see, Uncle Jack Davis.
Q I am speaking of those that lived there at the time you saw them there? A I wasn't acquainted up there.
Q Didn't find out anybody else but the Mayfields family after you went up there? A That is the only place I went.
Q Didn't see any of the neighbors? A Yes sir.
Q Didn't learn their names? A No sir.
Q You remember the time of the year? A It was along in the fall, just before Christmas, probably three weeks before Christmas.
Q What makes you remember it was just before Christmas? A Because I was at home Christmas and we had a big time at home.
Q And you were then about 11 years old? A Yes sir.
Q And it has been about 40 years ago? A Yes sir.
Q And you remember all these things? A I remember of seeing him.
Q What kind of a time did you have in 1867 at Christmas? A We generally had a good time.
Q Did you see Thomas Mayfield just a short time before Christmas in 1867? A I don't know as I did but I saw him sometime in '67.
Q Did you see him just a short time before Christmas in 1868 up there on the Prairie? A No sir, I didn't, I had moved out of the settlement of that country.
Q You don't know of your own knowledge what part of Kansas he went during the war? A No sir, nothing only what he said.

BY MR. BELL:
Q Where did you say you lived when the war begun? A Right on Doctor Davis's farm up in Blind District close to where Stilwell is now.
Q 6 or 7 miles west of Evansville? A Yes sir.
Q Where did you say Mayfield lived? A I don't know, I think he lived east of me, I never was at his house, he was at our house very often.
Q How did you get acquainted with Charlie? A I get acquainted with Charlie after the war.
Q I thought you said you knew him before the war? A That was Tom, I seen Charlie but didn't know him.
Q Who did Tom Mayfield belong to? A I think he belonged to Blackburn, we used to call him Charlie Blackburn, then afterwards he went by the name of Mayfield.
Q Washe ever sold? A I don't know whether he was oversold or not.
Q You don't know much about him? A Yes sir, I do. We used to call him Tom Blackburn then afterwards they got to calling him Mayfield.
Q Where did you ever see Tom Blackburn before the war? A Right at Dr. Davis' place, at my home place.

Q Don't you know he didn't live east of there, didn't he live 25 miles south of there? A I don't know about that.

Mr. Starr: Attorneys for applicants object to the Cherokee Nation Attorney's question?

On Behalf of the Commissioner: The objection will be noted.

Q Who did you say he belonged to when the war commenced? A Well I don't know whether he belonged to anybody, we called him Mayfield. I have learned afterwards he belonged to the wayfields when the war commenced.
Q Don't you know he was a free negro? A No sir.
Q And didn't belong to Mayfield? A No sir, I didn't know that.
Q And didn,t belong to Blackburn? A No sir, that is beyond my recollection.

BY MR. STARR:
Q Did you say that Rhoda Davis had a child with her when you saw her? A Yes sir.
Q About how old was that child? A I don't know, not over 3 or 4 months old, if that. It was young, to her breast, a baby.
Q Just a small baby? A Yes sir.
Q Is that child now a recognized citizen of the Cherokee Nation?

Mr. Davenport: I object to that, if it is the records will show that.

Mr. Starr: The Attorneys for applicants state that the purpose of this is for identifying the child so as the records can show that.

On Behalf of the Commissioner: The objection will be noted.

A I don't know hether she is or not. I know she has always been called a citizen.
Q Do you know where she lives now? A Yes sir.
Q Where? A Over on Grand River right east of Vinita.
Q Is she married? A Yes sir.
Q What isher husband's name? A Thomas H. Moore.

The hour of five o'clock P. M. having arrived and this case not being concluded, on motion of the Commissioner this case was continued until May 25, 1906, at nine o'clock A. M.

May 25, 1906, at nine o'clock A. M. this case was called for further hearing at which time the following proceedings were had on behalf of the applicants.

SIMON LYNCH, being first duly sworn, testified as follows:

BY MR. STARR:
Q What is your name? A Simon Lynch.
Q What is your age? A 67.
Q What is your post office address? A Spavinaw.
Q What is your citizenship, are you a citizen of the Cherokee Nation
A Yes sir, that is what they claim I am.
Q Are you acquainted with the applicant Thomas Wayfield? A Yes sir, was well acquainted with him.

Q Are you acquainted with the applicant, Charlie Wayfield? A Yes sir.
Q When did you first become acquainted with Thomas Wayfield? A Well it was in the summer of 1866.
Q Where did you see him then? A At old man Springfrog's at the Church.
Q Where is that? A On Lynch Prairie.
Q In the Cherokee Nation? A Yes sir.
Q What was he doing there then? A Listening at the meeting there.
Q Were you at the meeting there too?? A Yes sir.
Q Do you know how long he had been in the Cherokee Nation? A Been here about a week.
Q How long did he stay after that? A He was on his way to Kansas then, going back.
Q Who was with him? A Jack Bean and old man Duffin.
Q What did he do, if anything, in the way of purchasing property at that time?

Mr. Davenport: I object to that on the ground that it is incompetent, irrelevant and immaterial.

On Behalf of the Commissioner: The objection will be noted.

A He bought a place from the old man down there.
Q Where was that place? A On Lynch Prairie.
Q When did you next see him in the Cherokee Nation after that?
A When he moved down.
Q When was that? A That was just before Christmas that same winter.
Q Who did he bring with him at the time he moved down to the Cherokee Nation? A He brought his wife, Charlie, and Rhoda Davis.
Q What was his wife's name? A Nicey.
Q Where has Tom Wayfield lived if you know since you saw him with his wife, Rhoda Davis and Charlie Wayfield in the fall of 1866?
A Right there on that prairie.
Q Did he live in the Cherokee Nation from that time until the date of his death? A Yes sir.
Q Where has Charlie Wayfield lived since you saw him in the fall of 1866 up until the present time? A Right there.
Q In the Cherokee Nation? A Yes sir, right around that neighborhood there.
Q Do you remember the occasion of a great many Cherokee freedmen being called before what was called the Daniels Court at Tahlequah? A Yes sir, I was with them.
Q Was Tom Wayfield called before that Court? A Yes sir, he went, we all went together.
Q Were you with him in Tahlequah when he was there for the purpose of appearing before this Court? A Yes sir.
Q Did he appear before the Court? A We all appeared before the Public Square there around the Capitol.
Q How many colored people were they there? A They said there was 30, I don't know just how many there was.
Q Did Tom Wayfield get a trial in his case at that time? A No sir, none of us did.
Q Why? A Judge Daniels told us to go home.

Mr. Davenport: We object to what Judge Daniels told us being incompetent, irrelevant and immaterial. You cannot attack a Court record in that way.

On Behalf of the Commissioner: The objection will be noted.

Q Was this man you call Judge Daniels, Judge of the Court at that time? A Yes sir.
Q Where were you at the time you say he told you to go home?
A Right there in the Public Square.
Q Did he tell all of the freedmen that were there at that time to go home?

Mr. Davenport: We object to what he told them, it is incompetent, irrelevant and immaterial, and has nothing to do with this case whatever.

On Behalf of the Commissioner: The objection will be noted.

A Yes sir, he said go home, this is not your time, we will let you know whenever it is your time.

Q What else did he tell you, if anything?

Mr. Davenport: I object to that, to anything what he told them, it is incompetent, irrelevant and immaterial.

On Behalf of the Commissioner: The objection will be noted.

A Well he told us to go home , that was all he told us.
Q Was Tom Mayfield in that crowd at that time? A Yes sir, right there.
Q Did Tom Mayfield, after Judge Daniels told you all to go home, go home? A Yes sir, we went back home together.
Q Did Tom Mayfield ever get a hearing before this Court in the year 1871? A

Mr. Davenport: I object to the question on the ground that it is incompetent, irrelevant and immaterial, and it would not be within the knowledge of this witness unless he had kept the records of the Court and had been clerk of it, to testify as to whether or not Tom Mayfield ever got a hearing.

On Behalf of the Commissioner: The objection will be noted.

A He never got no hearing, none of us didn't.
Q Did Tom Mayfield on that occasion have with him his witnesses to appear before this Court? A Yes sir, we were just going to witness for one another.
Q Was any testimony taken in behalf of Tom Mayfield? A No sir.

BY MR. DAVENPORT:
Q Your name is Simon Lynch? A that is it.
Q You are the same Simon Lynch that was convicted in the Cherokee Courts for larceny at one time? A Yes sir, I am the man.
Q And sent to jail and served a sentence? A Yes sir, I was sent to jail.
Q Now what place you say you saw Tom Mayfield in the Cherokee Nation after the war? A At Springfreg Church house.
Q Where was that? A On Lynch Prairie.
Q What time of the year? A It was in the fall.
Q And what was going on there? A Preaching, meeting.
Q How long had you been back to the Cherokee Nation when this meeting began? A I come in the spring of 1866, in February some where along in February, I don't know just what day but this was in the fall.
Q Were you living on Lynch Prairie at that time? A No sir.
Q Where were you living? A On the old Military Road over on Cabin Creek.

Q How far from Lynch Prairie? A Right close to it.
Q Close to Lynch Prairie? A Yes sir, it aint far, about 4 miles.
Q You were on the west side of Grand River? A Yes sir.
Q And Lynch Prairie is on the east side? A Yes sir.
Q You were attending Church there? A We all went to meeting there on Sunday.
Q This was on sunday you saw Tom Mayfield? A It was Saturday night, we all went Saturday and stayed until Sunday evening.
Q You had known Tom Mayfield before the war? A No sir.
Q Was that the first time you ever saw him? A The first time I ever seed him.
Q You ~~knew~~ hadn't gone to Kansas where he did? A No sir.
Q Did you learn from him to what place in Kansas he had gone?
A Yes sir.
Q What place? A To Garnett.
Q He told you at that time? A Yes sir.
Q And you remember now 40 years afterwards that he told you in that conversation that he had gone to Garnett? A Yes sir.
Q Was any one else with him at that time? A Yes sir.
Q Who was that? A John Bean and Jack Bean.
Q They had a good big crowd there at the Church? A Cherokees and colored people, yes sir.
Q You never saw him any more until when after that? A What winter just before Christmas.
Q Where did you see him then? A At his place he had.
Q Who was it he bought the place from? A Squire Adair.
Q Who was he? A Washington Adair's old slave.
Q Squire Adair is not living now? A No sir.
Q Is Washington Adair living? A No sir.
Q Is any of the Washington Adair family living? A No sir, not as I know of.
Q What kind of a place was it he bought? A Just a rough place, a Cherokee place.
Q How much did it consist of? A It was just a place is all I know.
Q Did it have a house on it? A Yes sir, a little cabin.
Q Any broke land? A A little patch.
Q How much? A Looked like a couple of acres.
Q Near whose place was this place on Lynch Prairie? A It was close to a man named Wood, a Cherokee man.
Q How far was it from the old Lynch place? A About two and a half miles.
Q Who was living on the Lynch place at that time? A I don't know, some white man Lon Lynch had there.
Q Was Lon in that country at that time? A No sir, he never stayed there after the war.
Q Who came down with him from Kansas when you claim to have seen them just before Christmas? A His wife, and Charlie, and Rhoda Davis.
Q Who else? A Well I don't know anybody else.
Q Where did you see them first on their way from Kansas, did you see them? A I was at that old cabin.
Q You didn't see them until after they had moved down? A Yes sir, I saw them after they had moved down.
Q What kind of teams had they? A I don't recollect the teams.
Q Didn't they show you the teams? A No sir.
Q How many had they? A I don't know, I knew they drove some hogs and cows down.
Q How many hogs did they bring down? A 3 or 4.
Q How many sheep? A Never seen them with any sheep.
Q Any cows? A No sir.
Q How many horses did you see? A Just two.

Q You saw their outf t they had brought with them? A Yes sir, I saw them what I told you I saw.
Q You only saw two horses? A Yes sir.
Q How many wagons did you see? A One.
Q Did you learn how long they had been at the house before you saw them? A They hadn't been there long, hadn't got everything into the house.
Q Hadn't unloaded the wagons? A They had unloaded, had stayed there all night but didn't have everything in the house.
Q Where were you living at this time? A Right where I told you.
Q On Pig Cabin? A Yes sir.
Q On the Military Road? A Yes sir.
Q At whose place? A Old man McCrary lived there. Mrs. Raymond's f t her.
Q Was she living there at this time? A Yes sir.
Q She remembers that you were there? A Yes sir, she would know I was there working for her father.
Q Did you learn from Tom Mayfield at that time who came with him there from Kansas, if any other families came besides his? A No sir, I never asked him.
Q You just saw him there with one wagon and unloading it in that house? A Yes sir.
Q Simon when did you first think about the fact that he bought a little place there when you saw him in 1866? A I know he bought it.
Q You were present when he bought it? A No sir, I was living there and I know the man that owned it.
Q Were you present when he bought it? A No sir.
Q Then you don't know anything about his buying it? A He told me he bought it.
Q What month in the year was it? A I don't keep any months.
Q Can't you tell me what month, whether it was July, August, September, October or November? A Along in August I believe.
Q That was in 1866 you say? A Yes sir.
Q Don't you think that it would be a very queer thing and you not found out any more about him than that he bought a place up there?
A I don't know whether it would or not but that is when he came.
Q You remember distinctly although you never knew him before that time? A No sir.
Q You live out on Grand River? A Yes sir.
Q Are you related in any way with the Mayfield family? A No sir.
Q Are you interested in seeing them enrolled? A I just came here as a witness.
Q How many cases have you testified in? A I don't know.
Q Have you no idea? A No sir.

BY MR. STARR:
Q Simon you said something about that you had been convicted of larceny, was that in the Cherokee Court? A Yes sir.
Q What did they do with you? A Took me to Tahlequah.
Q How long was you sent for? A One year they said.
Q How long did you stay at Tahlequah? A 3 or 4 weeks.
Q Were you pardoned by the Tribal Chief of the Cherokee Nation?

Mr. Davenport: I object to that, if he was pardoned the records will show it.

On Behalf of the Commissioner: The objection will be noted.

A Yes sir.

Q Tell us a out how it happened that you were sent up by the Cherokee Court?

Mr. Davenport: I object to that, it is incompetent, irrelevant and immaterial as to how he was sent up, if he was tried and convicted as he said he was, that is all that is necessary and all that would be material.

On Behalf of the Commissioner: The objection will be noted.

A All they said I had stole a hog.
Q What else did they say about it? A I don:t know what all they said about it, that is what they said.
Q Isn:t it a fact that some political matters were mixed up in it?

Mr. Davenport: I object to that, and object to ti being suggested to the witness?

On Behalf of the Commissioner: The objection will be noted.

A Yes sir.
Q How explain it?

Mr. Davenport: I object to any explanation of political matters.

On Behalf of the Commissioner: The objection will be noted.

A Why I was a pretty good electioneer and because I didn't work for the party they wanted me to work for, that is what I was convicted for.

BY MR. DAVENPORT:
Q Whose hog were you chargedof stealing? A Old Ochelata's.
Q Did Ochelata testify against you? A No sir.
Q You were tried before a Court? A Yes sir, he was Chief at that time.
Q You were tried before a jury and convicted? A Yes sir.

BY MR. STARR:
Q Was Ochelata the Chief that pardoned you? A Yes sir, he is the very Chief that pardoned me.

W I T N E S S EXCUSED.

SARAH MORGAN, being first duly sworn, testified as follows:

BY MR. STARR:

Q What is your name? A Sarah Morgan.
Q How old are you? A I am about 71.
Q Where were you living when peace was declared? A In Kansas.
Q How long did you continue to live there after that time? A We came home when peace was declared, that same year.
Q Do you mean that you came to the Cherokee nation? A Yes sir, we come to the Cherokee Nation.
Q Where did you come to there? A To Timber Hill this side of Chetopa, Kansas.

Q How long did you remain there? A Not very long. My brother went then to what is called the Old Gilstrap Ford over on Grand River.
Q Did you ever live at Spavinaw Mills? A Yes sir.
Q When did you move to Spavinaw Mills? A The second year after peace was made.
Q Do you know whether or not Tom Mayfield was in that country at that time.

Mr. Davenport: I object to leading questions; that question is leading.

On Behalf of the Commissioner: The objection will be noted.

A Yes sir, he was there.
Q Do you remember any incident that happened about that time that helps you to remember that Tom Mayfield was there? A Yes sir.
Q Relate it, if you can? A Well Mr. Springfrog sold Mr. Mayfield a cow and we had the cow up and they come to get it and they had a big racket over it; they were about to shoot one another. I know them just as well as I knew myself, might nigh it.
Q When was that now? A The second year after peace was made, that spring.

BY MR. DAVENPORT:
Q You were in Kansas when the war closed? A We were there when the Cherokees were all preparing to go home the first year.
Q I am asking you if you were in Kansas when the war closed? A Yes sir.
Q You then afterwards came to the Cherokee Nation? A Yes sir.
Q What year did you come to the Cherokee Nation? A The same year peace was declared.
Q What year was that? A I guess it was 1869.

BY MR. PATTEN:
Q What is your citizenship? A Cherokee.
Q Have you your allotment? A Yes sir.
Q Are you a Cherokee by blood? A Yes sir.

BY MR. DAVENPORT:
Q When you went in the Spavinaw country who was living in that country over there? A Wasn,t any one but Mrs. Rogers, Tom Rogers mother.
Q And who else? A And Watt West's outfit, old Mrs. West.
Q Was Watt West living there? A Yes sir, he was living there.
Q Have you testified in this case before? A No sir.

W I T N E S S E X C U S E D .

NELSON MOORE, being first duly sworn, testified as follows:

BY MR. STARR:
Q What is your name? A Nelson Moore.
Q What is your age? A 53 in August.
Q What is your post office? A Ketchum.
Q Were you acquainted with Thomas Mayfield, the applicant, during his life time? A Yes sir.
Q When did you first become acquainted with him? A Well I got acquainted with him along about the latter part of the summer of 1866.

Q Where was he then? A Right at the old Springfreg Church house.
Q What as he doing there? A Come there to church, and we all went down there.
Q Where was he living at that time? A Why he just come down at that time, he hadn't located any place there yet.
Q How long did he stay in the Cherokee Nation at that time? A Not very long, went back to Kansas and got his family.
Q When did you next see him? A It was along in the winter of '66. Along about in November or December.
Q Along about November or December, 1866? A Yes sir.
Q Where was he then? A He had come back down and went down below there on the river.
Q Who was with him at that time? A His wife.
Q What was hername? A Missy Mayfield.
Q Who else was with him? A Charlie.
Q That his son? A Yes sir.
Q Who else, if you know? A A woman by the name of Rheda? A
Q Rheda Davis? A Yes sir.
Q Where was it that you saw these people at that time? A That was down on the river on the east side from the mouth of Rock Creek.
Q How far were you living from them? A From that place it was about 8 miles, I guess to where I was living.
Q About how far? A About 8 miles I reckon as near as I could guess at it.
Q Did you see Tom Mayfield any more after that? A Yes sir.
Q Where did he live from the time you saw him in the fall of 1866 on Grand River near Lynch Prairie until his death? A Why he lived, well right on the east side of the river from the mouth of Rock Creek quite a number of years, I don't know just exactly how long, then he bought a place about, well I reckon, I don't know exactly between 2 and 3 miles from there right east where he died.
Q Has he lived in the Cherokee Nation continuously from the fall of 1866 until his death? A Yes sir.
Q Has Charles Mayfield lived in the Cherokee Nation continuously from the time you saw him in the fall of 1866 until the present time?
A Yes sir, all the time.
Q Are you acquainted with the witness, Simon Lynch? A Yes sir.
Q Do you remember his having been sent to prison at one time from the Cherokee Courts? A Yes sir.
Q How long was he gone? A Why not very long, about between a week or a week and a half.
Q How long was he sent up for? A Ayear.
Q Do you know whether or not he was ~~pardoned~~ pardoned?

Mr. Davenport: I object to that on the ground it is incompetent and not the way to prove his pardon.

On Behalf of the Commissioner: The objection will be noted.

A Yes sir, he was pardoned.
Q By the Cherokee Chief? A Yes sir, Chief Ochalata.

BY MR. DAVENPORT:
Q You were present when he was pardoned? A No sir, I wasn't present but that is what he said.
Q I ~~am~~ not asking you what he said, you testified positively that he was pardoned, how do you know it unless you were present? A Why he come right back.

Q You were not asked what you understood, do you know by reason of your own knowledge of being present or by seeing the record?
A No sir, I didn't see it, wasn't there.
Q Had you known Tom Mayfield or Charlie Mayfield before the war?
A No sir.
Q What time in the summer do you claim you saw Tom Mayfield in 1866? A It was between the last of August and September.
Q What makes you remember the season? A Because we went down to Springfrog Church.
Q Was that the only time you ever went there to Church? A No sir.
Q How do you know that was the time, or another time? A That was the first time I seen him there.
Q Didn't you never go there excepting in the year 1866 in the summer, to Church? A Yes sir, went there before that.
Q Did you ever go there after that? A Yes sir, very frequently.
Q Did you ever go there in 1868, to the Church? A Yes sir, until the house, it burned down.
Q You came back to the Cherokee Nation after the war? A Come back in the fall of 1865.
Q You didn't live,-- it was 7 or 8 or 10 miles down to that Church?
A No sir, it was about 6 miles down there.
Q And you had never known Mayfield before the time you claim you saw him down there? A No sir, I didn't know him.
Q Who was with him when you saw him? A There was quite a number of people there.
Q You were then a boy about 13 years old? A Yes sir.
Q Now you remember 40 years afterward the year you saw him there?
A Yes sir.
Q Did you make any memorandum or record to cause you to remember the date? A No sir.
Q Any memorandum that caused you to remember the month or about the month? A No sir.
Q Tell me something else you did in September or August about some man that you had never seen before? A I don't know how to answer that.
Q Well some man that you had never seen before September or August, 1866, tell me of seeing some man at a place you remember at that time? A I seen Springfrog, a preacher.
Q Had you never seen himbefore that time? A No sir.
Q And you now remember distinctly it was August or September the first time you ever saw Springfrog there? A I saw him there before that.
Q Can you tell the first time you ever saw Springfrog, the month or year? A Well the first time I remember seeing Springfrog was along in the spring in the month of May. We went down there, my step-father did, Springfrog had corn we went down there to get corn from him.
Q What year was that? A In the spring of 1866.
Q Who else did you see on Lynch Prairie that you remember in 1866, about September or August? A Why I seen Joe Davis, Waterback a Cherokee.
Q You remember that was about August or September of 1866, that you saw them first? A Yes sir, about along there.
Q Did you see any one over there on Lynch Prairie in 1867 that you had never seen before? A Yes sir, I saw old Dirthouse's mother, I seen her.
Q You remember that was in 1867 that you saw her? A Yes sir, I saw her, it was in '66 and '67 too.
Q What makes you remember that was the first time you saw her, you never made any note of it? A No sir.

ON BEHALF OF THE COMMISSIONER:

Q Are you married? A Yes sir.
Q When were you married, the date? A I was married November 25, 1873, I think, I want be positive, it is right along there.
Q When was your first child born? A My first child was born in 1874.
Q Do you remember the month? A August 16.
Q What is his name? A It is a girl, named Emma.
Q Is she living? A Yes sir.
Q What is her name now? A Emma Adams.
Q She enrolled as a Cherokee freedman? A Yes sir. I know that is the date she was born.
Q In what year were you born? A I was born August 13, 1853.

W I T N E S S E X C U S E D .

ARTHUR BEAN, being first duly sworn, testified as follows:

BY MR. STARR:

Q What is your name? A Arthur Bean.
Q What is your age? A 63.
Q What is your post office? A Chaffee.
Q Were you acquainted with the applicant, Thomas Mayfield, during his life time? A Yes sir.
Q When did you first become acquainted with him? A With Mayfield I first become acquainted with him, Mayfield I guess it was, I just got acquainted with him at Fort Gibson in time of the war.
Q When was the frist time you saw Thomas Mayfield after the close of the Civil war? A The first time I seen him he was in Kansas.
Q What place in Kansas? A He was up about Garnett, it was called.
Q When did you first see him in the Cherokee Nation after the close of the war? A The winter of '66, I guess, about then.
Q Where was he then? A He was over on the other side of the river.
Q Which side is that? A Right east side, I live on the west side.
Q Who was with him there? A His wife.
Q What is her name? A Nicey.
Q Who else? A His daughter or sister.
Q What is her name? A Rhoda.
Q Any one else? A Charlie, their boy.
Q Were they living there at that time? A Yes sir, they were living there.
Q Where has Tom Mayfield lived since you saw him in the Cherokee Nation in the fall of '66 until his death? A It was in the winter I seen him, he has been living there in the Nation ever since up until he died.
Q Where has Charles Mayfield lived since you saw him in the Cherokee Nation in the fall of 1866 up until the present time? A He lived in the Nation there ever on the other side of the river.
Q Do you remember of the occasion of a great many Cherokee freedmen being called to Tahlequah to appear befor the Daniels Court? A We were notified to appear there before the Court.
Q Did you go there? A Yes sir.
Q Was Tom Mayfield there? A Yes sir.
Q Did Tom Mayfield appear before that Court? A He was down there, he wasn't tried before the Court, he was there, wasn't any of us tried.
Q Why were you not tried? A The Judge told us there wasn't any use for us we all could go home and make ourselves satisfied.

Q What Judge was that? A Judge Daniels.
Q was that Tom Mayfield in that or no? A Yes sir.
Q At the time Judge Daniels told them that? A Yes sir.

Mr. Davenport: I move to strike out of the record all of the questions and answers relating to the freedmen generally being called to the Daniels Court on the ground that they are incompetent, irrelevant and immaterial.

On behalf of the Commissioner: The motion will be noted.

Q Did Tom Mayfield have with him witnesses for his case? A Yes sir, and they said they didn't need us.

Mr. Davenport: I object to what they said and move to strike it out of the record, because it is incompetent, irrelevant and immaterial, and is heresay.

On Behalf of the Commissioner: The objection will be noted.

BY MR. DAVENPORT:
Q You say that Tom Mayfield went to Kansas during the war? A Yes sir.
Q And that he lived near Garnett? A Yes sir.
Q You saw him up there while he was living there? A Yes sir.
Q What was your father's name? A Sandy Bean.
Q Did he live up there also? A Yes sir.
Q You were there with him after the close of the war, about the time of the close of the war? A Yes sir.
Q Sandy Bean and Tom Mayfield and Nathan Duffin all lived in the same neighborhood there did they not? A Yes sir.
Q When did you return to the ation and with whom? A I come back with Tobe and Gatewood Vann and all those folks.
Q Who all? A I couldn:t tell you, Tobe Bean, John Bean, George Bean, George Vann, and Mil, there was hundreds of them. I couldn,t tell who all.
Q You didn,t come back with your father? A They come a short time afterwards.
Q About how long afterwards? A During that winter I suppose.
Q Do you know, if you don,t, say so? A I really don,t know.
Q About how long do you think it was after? A It wasn,t very long after we came down here.
Q 4 or 5 months? A I don,t suppose it was that long.
Q Do you know who came with Mayfield or whether any one came with him? A I was on the other side of the river and found Mayfield at the Church.
Q When was that? A It was during the winter after I come here. The fall I come, he was over at the Church that winter.
Q You came what time of the year? A In the fall.
Q Then in the winter sometime you don't know what time in the center
A About about Christmas.
Q What makes you know it was about Christmas? A It was in the winter time.
Q Winter extends quite awhile after Christmas? A Yes sir.
Q What makes you think it was Christmas? A It was along in December.
Q Did you make any memorandum that it was Christmas? A It was just then Christmas.
Q You are how old? A I am 63 years old.
Q What year were you born? A I couldn:t tell that, that would be under my knowledge, I wasn:t posted up in them dates.

Q Did you learn who returned with Mayfield and his family?
A There was several of them returned but I never knew who they were.
Q Did you ever hear from Mayfield himself or Charlie Mayfield who returned With them from Kansas? A I never made any inquiries.
Q You mean you lived with them there and knew them in Kansas and never at any time during your talks with him ask him who he came back with? A No sir.
Q You had never known them before the war? A No sir, just got acquainted with them time of the war.
Q Where were you the year your family and their family lived in the same neighborhood in Kansas? A Yes sir, I wasn't there with them, I was off at that time.
Q You were there part of the time? A Yes sir.
Q Then you were with them in the Cherokee Nation and didn't ascertain from them as to who came with them, if any one, who came back with them to the Cherokee nation? A I never made any inquiries.
Q You have lived near them and known them ever since that time and never found out who came back with them? A Never made any inquiries at all.
Q How long since Tom Mayfield died? A It has been 4 or 5 months I guess.
Q You know when he died, don't you? A Yes sir, but I can't recollect the day and month he died.
Q Can't you recollect the day and month Tom Mayfield died which occurred less than a year as you can something that occurred 40 years ago? A I didn't keep that in my mind as I did them.
Q You have kept Tom Mayfield in your mind for 40 years? A Yes sir, I have been knowing him.
Q You have kept the fact that you saw him in December, 1866, for 40 years? A Yes sir, I know the year and month he died. but it has just slipped my mind.
Q When did you first see your father in the Cherokee Nation when you first got back? A I seen him during that winter.
Q Do you know whether or not they came back the same time Mayfield and his family did? A Yes sir.
Q His name was Sandy Bean? A Yes sir.
Q Your father moved back to the Cherokee nation? A Yes sir.
Q You think your father moved back in 1866? A I think they come back about the time Mayfield did.
Q Nathan Duffin came with them about that time? A Nathan Duffin, quite a lot of them come in here. Mayfield and Sandy and Reuben Downing and Crap and a whole lot of them were in this country, then they moved back down in this country.
Q Nathan Duffin was George Duffin's father? A Yes sir.
Q Did you know Warren Adams? A Yes sir.
Q Did he come to with them? A I don't know, I couldn't account for him.
Q You cannot remember the month they came? A I knew it was in the winter about Christmas time.
Q Did you see Mayfield about the time you saw your father when he moved down? A I seen Mayfield at the Church. My daddy was a little old man, he didn't at send church.
Q Did you ever learn from your father who came with him?
A I guess he fetched his family with him.
Q I mean any other family? A No sir, they didn't tell me that.
Q You never did find out who your father came with, you didn't ascertain from him if any other families came with him?
A No sir.

Q He know where you were in the Cherokee Nation when he left Garnett to come do n? A He must have.
Q And you can't tell now a single family that came with either your father or Tom Mayfield's family? A They has just slipped my memory.
Q And you never inquired? A No sir.
Q How long have you been married? A I guess right about 40 or 35 years.
Q What year did you marry? A I don't know just what year it was I did marry, short time after I come down in here.
Q But you can't remember the year? A No sir, I don't know just the year it was. I have it on the record in my Bible.
Q You don't remember the year? A Yes sir.
Q That was a personal matter to you, your marriage? A Yes sir.
Q How you can't remember the dateof it? A No sir, I will tell you I am an ignorant man and I can't keep the dates.
Q But you seem to remember that you saw Tom Mayfield back here in December, 1866, and that doesn't interest you? A No sir, but I didn,t say the date, I know the month.
Q Do you know what month you married? A It was in June.
Q What year? A I can't tell the year.
Q In testifying in regard to Mayfield you are simply testifying from memory and not from any dates or records? A I couldn't keep any dates,if I had been educated I would have kept dates of everything alon during my lifetime.
Q You don't carry dates merely in your memory? A I couldn't do it, I could say I was here today and next week ask me what day you were at Muskogee and I couldn't say, I don,t know what date, I never set it down.
Q What Daniels was it you were talking about down to Tahlequah to see? A Judge Rob Daniels.
Q And he told you to go home? A Yes sir.
Q You were present and heard him tell them? A Yes sir.
Q And Tom Mayfield went home to? A All ofus went home. There was 200 darkies down there and he just come down on the street and told us he didn,t have any use for us there; that he hadn,t called us, for us to just go home and make ourselves easy, and about two months after that come out the news that we were all doubtful niggers.
Q What year was that? A I don't know what year.
Q That was a personal interest to you, the year down there that you got on that doubtful list? A I went down there.
Q It was several years after '66 wasn't it? A Not so very many.
A It was some years? A Yes sir.
Q Now you can't tell me what year that was? A No sir.
Q You didn't make any memorandum of that? A No sir.
Q Your mind is not as bright on that as it was December, 1866, that you saw Tom Mayfield? A I had just come here myself.
Q You had just come down yourself to get your citizenship status straightened out? A Yes sir, went down there for that purpose.
Q What month was it you went to Tahlequah before the Court? A I don't know whatmonth.
Q You can't tell me what year or month? A No sir.
Q Can you tell me what year the Wallace roll was made? A No sir.
Q Or the Vern-Clifton roll? A No sir, couldn't tell you when the payment was at Wayden and that was very important to me.
Q You can't tell what years the things that occurred in since then?
A No sir.
Q Couldn't you be mistaken about what happened in 1866? A I never give any dates. I just got it in my head that December was Christmas month.
Q There comes a December in each year? A Yes sir.

Q And a Christmas each year? A Yes sir.
Q Wh is it that you might not be mistaken that it was Christmas in 1897? A I might have said it was before or afterwards, the reason that I remember this is because I come down here, and that was the year that they said for the niggers all to come back to this Nation.
Q The reason you remember this is because you want it to appear that year, that it is important that it be 1896 in this, do you know? A I don't know it is not very important to me at all.
Q You have no interest one way or another and don't want him enrolled? A I want him enrolled and all other that have a right.
Q You can remember December, 1896, and can't remember as late as 1897? A Is that when the Wallace payment was?
Q No, ah warn-Clifton? A I didn't know when that was until now, and you told me.

BY MR. STARR:
Q Was Tobe Dean here at the time you came to the Cherokee nation?
A Yes sir.
Q were you one of the parties in the Horse Creek fight? A Yes sir.
Q Was it the fall of the same year that the Horse Creek fight took place that you saw Tom Mayfield? A It was during that winter.

BY MR. DAVENPORT:
Q Your memory seems to be good on that, don't it Arthur? A That was so if it was in 186 .
Q And you can't remember the year you were married? A No sir, I don't remember that.

BY MR. STARR:
Q You have got a good reason to remember the Horse Creek fight?
A Yes sir.

W I T N E S S E X C U S E D .

JACK DAVIS, being first duly sworn, testified as follows:

BY MR. STARR:
Q What is your name? A Jack Davis is my name.
Q What isyour age? A About 75, 77 I think.
Q What is your post office? A Adair, I. T.
Q Are you acquainted with Thomas Mayfield? A Yes sir.
Q Are you acquainted with the applicant, Charlie Mayfield? A Yes sir.
Q Do you remember the occasion of the Cherokee freedmen being called to Tahlequah before what was known as the Daniels Court? A Yes sir, I was one of them that was there.
Q Was Tom Mayfield there? A He was right with me.
Q Did Tom Mayfield have a trial on that occasion? A No sir.
Q Why? A I don't know why but them----

Mr. Davenport: I object to any further testimony along that line as to what that fellow should have said on the ground that it is incompetent, irrelevant and immaterial.

On Behalf of the Commissioner: The objection will be noted.

A The reason why we didn't get a trial was this Judge Daniels come out and called us all up in the Public Square and told us to go home that he had never called us there nohow.

Q Was Tom Mayfield in that crowd? A Yes sir, he was right there with me. We went together and came together. He told us to go home that provisions was scarce and that he couldn't feed us, that we would have to feed ourselves.
Q Were you ever called back there after that? A No sir.
Q Did Tom Mayfield go home the same time with you? A We all went together and came together.
Q Was this the Judge of the Court talking to you? A Yes sir, old Bob himself. I knew him before the war.
Q Where was Tom Mayfield living the first time you saw him after the Civil war? A After the war.
Q Yes? A I believe I saw him in Fort Scott.
Q I mean the first time you saw him in the Cherokee nation? A He was living up on the river.
Q The Grand River? A Yes sir.
Q Was he living there at the time you moved in on Grand River?
A Yes sir.
Q When was it that you moved in on Grand River? A Well me and Tom Mayfield and Simon---I came down there in 1866, I don't know just exactly what it was after that. When I came back it was in the winter. I don't know exactly what day it was but Tom was living there, I went right to his house, I am living right close to it now, about a mile and a half of it now.
Q You say you came down in the summer of 1866? A It was later, winter about Christmas time.
Q How many trips did you make to the Cherokee nation? A Made two.
Q Where did you locate when you moved down? A Right on the old Wolfe place just below Tom Mayfield's right down the river about a quarter of a mile from him.
Q Was Tom Mayfield living on the river when you came there? A Yes sir.

BY MR. DAVENPORT:
Q You know how long he had been there when you came? A No sir, I don't know just how long he had been there.
Q You had known him before the war? A Yes sir.
Q Didn't you ask him how long he had been there? A I might have but that has been a long time.
Q Your mind seems to be very bright as to having seen him, don't you know it would have been natural for you to asked him how long he had been here? A I might have but I can't remember it.
Q You know when you went to Tahlequah to testify for each other?
A We went to Tahlequah, they called us down there and we all gathered up.
Q went down to testify for each other? A Yes sir.
Q Didn't you talk to him as to how long he had been down there when you came? A There was not much talk about it at that time.
Q You understood, as did all the other freedmen, that there was a certain time fixed in which they should return to the Cherokee Nation in order to acquire rights? A I heard that.
Q Didn't you and Tom get together and talk it over as to when you came back and when he came back before you went down to the Daniels Court? A I don't remember.
Q You have lived in that neighborhood several years? A Yes sir, we have been close together since the war and before the war.
Q Do you mean to tell the Commissioner that you never talked with Tom Mayfield as to how long he had been back there before you came
A If I did I don't recollect about the time, he might have said and we might have talked it over but I don't recollect.

Q You don't remember the time you saw him? A I don't remember the date.
Q You remember the year? A It was in '66 I think.
Q Do you know whether it was in 1866? A Yes sir.
Q Had you moved down at that time? A Yes sir.
Q And you have been enrolled as a freedman because of the fact that you returned within the time? A Yes sir, I have been considered a citizen here.
Q Has the Commission enrolled you as a Cherokee freedman under the Treaty of 1866? A I guess they have.
Q Do you know, have you ever had any copies of it or not? A No sir, I haven't.
Q Were you put on the doubtful roll or on the straight roll?
A At the time we went to go before that Court they put me on the doubtful roll.
Q Haven't you had any notice of it since? A I don't know as I have.

Mr. Starr: The Attorneys for the applicant admit that the application for the enrollment of Jackson Davis, this witness, has been denied by the Commission to the Five Civilized Tribes and so far as we know the case is now pending before the Honorable Secretary of the Interior.

Q You don't know what further court proceedings were had in other cases other than your own at Tahlequah, do you? A No sir, I don't.
Q What was the last trip you made down there? A Well I did go back down there but it was not particular on that business.
Q I mean on that business? A On that business, no sir.
Q Who came back to the Cherokee Nation with Tom Mayfield and his family? A I don't know.
Q You don't know whether Nathan Duffin came with him? A No sir.
Q Did you know Nathan Duffin? A Yes sir.
Q When did you see him in the Cherokee Nation? A I couldn't tell you when I saw Nathan? I saw Nathan the last time I think it was on Big Creek.
Q I am not asking about the last time, the first time when did you see Nathan Duffin in the Cherokee Nation? A I couldn't tell you.
Q Was it before or afterwards? A It was afterwards.
Q How long afterwards? A I don't know just exactly how long it was.
Q Was it a year, six months or two years? A It must have been two years I guess afterwards.
Q You can't remember now the year it was you saw Tom Mayfield living over there the first time? A No sir, I doesn't think it was the winter of 1866.

ON BEHALF OF THE COMMISSIONER:
Q When return to the Cherokee Nation first, Thomas Mayfield or you?
A Thomas Mayfield was a little ahead of me.
Q That is the first trip? A Yes sir.

WITNESS EXCUSED.

DANIEL SANDERS being first duly sworn, testified as follows:

BY MR. STARR:
Q What is your name? A Daniel Sanders.
Q What is your age? A 68.
Q What is your post office? A Tahlequah.

Q Were you acquainted with the applicant, Thomas Mayfield, in his life time? A Yes sir.
Q When did you first become acquainted with him? A When I was a boy.
Q When did you first see him in the Cherokee Nation after the close of the war? A Along in December, '65.
Q Where was he at the time you saw him? A Fort Gibson.
Q What was he doing there? A Looking for some of his relatives there, his brothers he told me. I forget the name now. He had some folks down there.
Q Just on a trip down there? A Yes sir.
Q Where did you next see him? A Over here on Lynch Prairie.
Q When was that? A That was along in the spring of '67.
Q Was he living there at that time? A Yes sir.
Q Was Charlie Mayfield there with him? A Yes sir.
Q Was his wife with him? A Yes sir.
Q What was hersame? A Nancy.
Q Were you at his house? A Yes sir, passed right there above his house.
Q Where did Tom Mayfield lived from the time you saw him in 1867 at Fort Gibson until his death? A Why he lived there at what is called the old Tom yard on Lynch Prairie.
Q Is that in the Cherokee nation? A Yes sir.
Q Where has Charlie Mayfield lived continuously since you saw him in the spring of 1867 on Grand River? A Just lived right there in that neighborhood ever since I could recollect.
Q Do you remember of a great many Cherokee freedmen being called before what was called the Daniels Court? A Yes sir.
Q Were you called there? A Yes sir, our whole neighborhood was called there.
Q Was Thomas Mayfield called there? A Yes sir, they were in the outfit.
Q Did he appear there at Tahlequah? A Yes sir.
Q Did he have a trial? A No sir, they never gave them any trial.
Q What did they do about it?

Mr. Davenport: I object to what they did, the records of the Court will show and that is the best evidence.

On behalf of the Commissioner: The objection will be noted.

A They never give any trials, they told the old man, my father, and old man Helge and Webber and Foreman to go home.

Mr. Davenport: I object and move to strike out of the record what they told anybody other than the applicant in this case on the ground that it is incompetent, irrelevant and immaterial.

On behalf of the Commissioner: The objection will be noted.

Q Was Tom Mayfield in the crowd at the time (hitchanswer)? A Yes sir.
Q Where was it when these people were told to go home? A At Tahlequah.
Q Underneath at Tahlequah? A At the Public square.
Q Who told them to go home? A Judge Daniels.
Q Was he the Judge? A Yes sir.
Q Was Tom Mayfield in that crowd? A Yes sir, about 150 people were in that crowd.
Q Did they all take the Judge's advice and go home? A Yes sir.

Mr. Davenport: We move to strike out all questions and answers relative to what the Court did and what the Court told those people.

On Behalf of the Commissioner: The motion will be noted.

BY MR. DAVENPORT:
Q You don't know anything about what was done in the Court, from its records, after you left there? A They never done anything about that. I have lived in the country all my life.
Q Were you connected with the Court as a Clerk to know what was done? A No sir.
Q Then how can you testify that they never did anything unless you were there regular? A I would have known if they had called in our people.
Q You don't know what the Court did? A No sir.
Q You have lived since Tom Mayfield first returned to this country about 30 miles from him? A Yes sir, about 30 miles.
Q The nearest you have lived to him since he returned is about 30 miles? A Yes sir.
Q How the came back to the Cherokee nation with Tom Mayfield?
A I never seen all the parties with him, with Tom Mayfield.
Q You had known him before the war? A Yes sir.
Q And when you saw him didn't you ask him who came back with him?
A Yes sir, there was a good many. I think some with him.
Q Well who did he say? A I think, if I aint mistaken, yuck Bean and old man Sandy Bean and some few else, I never kept a record of it.
Q You didn't keep a record of your going to Tahlequah? A Yes sir, I was at Tahlequah.
Q You didn't keep a record? Did you keep a record of the fact that you went to Tahlequah? A Yes sir, I think I did.
Q Where is that record? A I have got a record in my mind about it.
Q You have a record in your mind about the first time you saw Tom Mayfield after the war? A Why I seen him.
Q You have a record in your mind? A Yes sir, I do.
Q How what makes you remember that it was in the fall of the year that you saw Tom Mayfield in the Cherokee Nation? A Because I was there.
Q Were you never down here any other time besides the fall of the year? A Have been several times in the fall of the year.
Q Haven't you been here several times in the summer time? A Yes sir.
Q You were a young man then? A Yes sir.
Q About how old then? A 22.
Q What year were you born? A In '44.
Q What year were you married? A '68.
Q How old is your oldest child? A 27.
Q How long since you talked with any one as to the year you were married and the year you were born? A I talked with the U. S. Commissioner in regard to it day before yesterday?
Q And you have talked with some one in the last few minutes, since you came to this building? A No sir, don't think I have.
Q Haven't you been here? A No sir.
Q Hasn't it been mentioned to you what kind of questions have been asked the other witnesses? A People have to tell me that.
Q You were born in 1844? A Yes sir.
Q What month? A On the 24th day of August.
Q And you were married when? A In '68.
Q What month? A September.
Q What day? A On Friday.
Q What day of the month? A I never happened track of the day of the month.
Q You have a record of that, that you were married on Friday in September, 1868? A Yes sir, I know I was.

Q Have you any record of it? A Yes sir, I have told you the record of it.
Q I wish you would produce that record? A I have done done that.
Q Do you mean that you remember it or that you have a record of it?
A I know that.

ON BEHALF OF THE COMMISSIONER:
Q Answer him if you have any record? A I aint got no written record of it, wasn't educated to have records.

BY MR. DAVENPORT:
Q Now 44 years after the date you remember you were married in September and on Friday? A You are right there, I know just exactly when I was married.
Q You remember that as distinctly as you do the date and month you saw Tom Mayfield in the Cherokee Nation? A Yes sir.
Q How long wasit after you saw Tom Mayfield at Fort Gibson until you saw him again? A Sometime in February.
Q About what time? A I never kept the exact date, we went to Springfrog's to get cord for seed.
Q Who went with you? A Old man Bill Foreman.
Q Any one else? A Old man Meigs.
Q And who else? A And myself.
Q And Tom Mayfield was at Springfrog's wasn't he? A Yes sir, over there on Lynch Prairie.
Q How far did he live from Springfrogs? A I don:t know just exactl the number of miles.
Q You know about how far? A No sir, not exactly.
Q Were you at his house, at Tom Mayfield's house? A Yes sir, we went right through that country and we generally hunted up people.
Q On this trip were you at Tom Mayfield's house? A We passed right by his house.
Q Coming from where you lived on Big Creek at that time did you have to go by Tom Mayfield:s house to get to the Springfrog place?
A We didn,t have to go there but we always went through that neighberhood to get some information where we could get what we wanted at that time.
Q Where did you cross Grand River? A At the old Johnson Thompson place.
Q Did you have any conversation with Tom Mayfield as to who returned to the Cherokee ation with him? A Yes sir, not at that time.
Q Did you ever have any conversation with him? A Yes sir, at Fort Gibson as I told you.
Q He was hunting his folks then? A Yes sir.
Q Who was he hunting? A I don:t know, some of his wife's people.
Q Did he say whether Nathan Duffin came back with him? A Yes sir, I told you about that. Yes sir, and uncle Sandy Bean.
Q And Nathan Duffin? A Yessir.

BY MR. STARR:
Q When was it that Sandy Bean and Nathan Duffin made that trip down here? A It must have been along in '65.
Q How did they come? A Horse back, I think.
Q Was that the time they come down to look at the country?

Mr. Davenport: I object to their suggesting to the witness.

On behalf of the Commissioner: The objection will be noted.

A Yes sir.

BY MR. DAVENPORT:
Q Didn't you tell me awhile ago that Sandy Bean and Nathan Duffin came down with him when he moved down? A When he come down, I don't know anything about his moving. He was there at Fort Gibson hunting his folks.
Q That as in December? A Yes sir. I went from there to Tahlequah to my Aunts.
Q The next time you saw him he had his family up there with him?
A Yes sir. I don't know just exactly when he moved, I am just telling what I seen.

BY MR. STARR:
Q Now in your testimony when you have reference to the time that Tom Mayfield came down and Nathan Duffin came down and these othe people how did they come? A Who?
Q Nathan Duffin and this crowd that you speak of coming down in '6 ? A Horse back the way I understood.
Q How long did they stay down here? A Well I don't know how long they stayed.
Q Just made a trip horse back? A Yes sir, the way I understood it, it was horse ba ck.
Q Do you know who came with Tom Mayfield when he moved down? A No sir, I didn't k o when he moved down.

BY MR. DAVENPORT:
Q Do you mean that it was in December 1865 that you saw them at Fort Gibson? A No sir this was in '6 .
Q The time you saw them was in December, 1866? A Yes sir, when Nathan Duffin--
Q Well when he told you that Nathan Duffin and Sandy Bean come with him? A No sir, he didn't tell me about that.
Q What is your statement now? A My statement was that I saw him at Fort Gibson.
Q Did you have any conversation with him as to who came with him?
A Not at that time.
Q Did you later than that? A Why we didn't, of course, I saw him and he told me but I never just kept the names.
Q When was it and what time that Sandy Bean and Nathan Duffin came with him? A He said they came with him, I have learned it was in '65.
Q When was that he told you that? A That was afterwards.
Q About how long afterwards? A Pretty near a year.
Q You have learned since you have been summoned in this case that the Duffins claimed they returned to the Cherokee nation the same time Tom Mayfield did? A I aint talked with the Mayfields.
Q Haven't you heard since you have been summoned as a witness in this case that the contentions were that the Duffins came with Tom Mayfield? A No sir.
Q Then Tom Mayfield never told you about anybody coming with him in 1866? A Sandy Bean and a lot of those people.
Q That was before the Treaty? A I guess it was in the fall of the Treaty.
Q Then the next time you saw him was in December, 1866, and you remember distinctly it was December? A I know it was December.
Q You don,t know whether he had moved his family then or not? A He was hunting some of his wife's relatives at Fort Gibson.
Q And you remember that distinctly and have made no record of it?
A No sir, only by mind.

BY MR. STARR:
Q Now this trip that Sandy Bean and those people, when they came down here, and another time when you saw Tom Mayfield move down? A XX ~~Mayfield~~ Moved down?

Q When Tom Mayfield moved down and when Sandy Bean and Nathan Duffin came down? A Did I ~~xxxxxxxx~~ say that. If I said it I would like to correct that mistake.

BY MR. PATTEN:
Q In your testimony you used two expressions, one is in referring to when Duffin and Mayfield came down, and then you later on told us when Mayfield moved down, the question we want is this, for you to explain when they came down and also when they moved down. The difference between those two dates? A Well you see I didn't see them when they moved down.
Q What date is it that you fix they moved down? A They must have moved down in '66 sometime, in the early part of the winter, in February.
Q What time is it that you fix it? A I don't know just when they moved.
Q What time is it that you fix when those folks came down horse back? A I think it was in '65.

BY MR. DAVENPORT:
Q Then your idea is that they came down on the horse back trip in 1865? A Yes sir.
Q For what purpose you don't know? A Good many of our folks come to this country to look out a location in '65.
Q For what purpose? A To come home. We had no place to live, we didn't know anything but this country.
Q They didn't come back for the purpose of holding their right but because they had once lived here? A Yes sir, we didn't know what was going to be donw until the Cherokees made the Treaty.
Q All were notified? A Yes sir, we were because I seen them.
Q Do you know whether all went? A No sir.
Q The first personal knowledge you have of know that Tom Mayfield was in the Cherokee nation was when you saw him in December, 1866, at Fort Gibson? A Yes sir.
Q Although you had known him before the war you never had any talk with him as to who moved with him when his family came? A No sir.
Q And up until the time of his death? A No sir. I always knowed he complied with the Treaty and never had any talk, didn't think he had any difficulty with his rights.
Q That was your understanding about it? A Yes sir.

ON BEHALF OF THE COMMISSIONER:
Q The things that you are talking about that happened in 1865 is what people told you? A No sir.
Q Were you in the Cherokee nation in 1865? A Yes sir.
Q Did you see Tom Mayfield in 1865? A No sir.
Q Did you see Nathan Duffin in the Cherokee nation in 1865? A No sir.
Q Did you see Sandy Bean? A No sir.
Q Then you are testifying as to what people told you that happened in 1865, are you not? A No sir, people didn't tell me this.
Q You said you didn't see them, now you have testified that they were here? A It is just like this---
Q Wait a minute. You say you never saw them but still you make the statement that they came in 1865? A Because they come right there where I lived.
Q Did you see them? A I did see them there.
Q In 1865? A Yes sir.
Q Then your statement awhile ago that you never saw Tom Mayfield, Duffin or Sandy Bean in the Cherokee nation in 1865 is not correct
A That is what I am saying now, I am tellingyou where I seen them. They passed through Fort Scott where I lived.

Q I am speaking a bout the Cherokee _ation? A I sa. I wasn't living in the Cherokee _ation in '65.
Q Then you swear that Tom Mayfield, Sandy Bean and Nathan Duffin came to the Cherokee _ation in 1865? A Yes sir, I do say it.

BY MR. PATTEN:
Q Were were you living in 1865? A At Fort Scott.
Q Did Tom Mayfield and Duffin and Sandy Bean come through Fort Scott? A Yes sir.
Q Did you see them when they come through Fort Scott? A Yes sir.
Q Did you talk to them? A My fa her talked to them, the old man.
Q How were they travelling? A They were horse back there.
Q Did you understand or hear them say that they were going to the Cherokee _ation? A

Mr. Davenport: I object to that on the ground it is incompetent, irrelevant and immaterial.

On behalf of the Commissioner: The objection will be noted.

Q Is that the way you testified, you knew that they came here to the Cherokee _ation in 1865? A Yes sir.

BY MR. DAVENPORT:
Q Then I want to ask you why it was then that on your cross examination after several questions had been asked you, why didn,t you tell me you saw them in Fort Scott and claiming they were coming to the Cherokee _ation instead of telling me that they came to the Cherokee _ation? A I didn,t think of the question at that time.
Q You know enought to know where you saw a man? A I always did.
Q And do you know enough to know to tell that you saw him at that place instead of telling you saw him some other place? A I wasn't in the Cherokee _ation.
Q Then why didn,t you say so when I asked you instead of saying that they come to the _ation? A Did you ask me that, I saw them coming to the Cherokee _ation.
Q Answer my question? A I told you the answer.

The taking of testimony in this case was continued by Stenographer Gilbert W. Pincher.

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Geo. H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes he reported the proceedings had in the above entitled cause and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

Geo. H. Lessley

Subscribed and sworn to before me this 2nd day of June, 1906.

B. F. Rennie
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES
MUSKOGEE, I. T., MAY 25, 1 90~~0~~6.

Continuation of taking testimony in Cherokee Freedman Enrollment case of Thomas Mayfield, et al., F. R. 541 et al., former testimony taken on May 24 and 25, 1906, by Stenographer George H. Lessley.

CHARLIE MAYFIELD, being first duly sworn and examined, testified as follows:

DIRECT-EXAMINATION--Patten:

Q State your name? A Charlie Mayfield.
Q Are you one of the applicants in this case? A I am.
Q How old are you? A 54, I guess, might be 52.
Q Where do you live? A Live in the Cherokee Nation, Saline District.
Q What's your post office? A Chaffee.
Q What relation are you to the principal applicant in this case, Thomas Mayfield? A He's my father.
Q Where were you living in the year 1866? A Why, in the year '66, I was living in Saline District, Cherokee Nation. At the outset of the war we moved to Kansas, Garnett, Kansas, Anderson Country.
Q Were you living with your father? A I was living with me father.
Q In the early part of the year '66, where were you and your father and family living? A We was living at the Gibson place.
Q Where is that? A That's in east of Garnett.
Q How far about, as near as you can remember at this time?
A About two miles, I guess, may be not so far.
Q Is that the John Gibson place? A Yes, sir.
Q Did you know at that time a man by the name of J. Y. Campbell?
A Yes, sir.
Q Where did he live? A He lived still east of the Gibson place.
Q How far east? A I guess it must have been a mile and a hlaf, may be not so far---it seems like the two farms pretty near joined.
Q Well, did you and your father and family continue to live on the Gibson place? A We didn't live there but a short time. After the old man died we left and went to the Campbell place.
Q When did John Gibson die? A I don't know just exactly; if my memory serves me right it was some time in July.
Q What year? A 1866.
Q After he died, where did you move to, you say? A We moved to the Campbell place.
Q How long after he died? A Short time.

Q What kind of a house, if any did you live in? A We moved into a little log house, and then my father made a double log house.
Q Did any other family live there? A Yes, sir, the Duffins moved in there just before we moved out.
Q Now, at the time that you were living in Kansas, did you ever go to school to a stone school house? A No, sir, I went to school while I was living in Kansas to a log school house; there wasn't no stone school house in the neighborhood in which I was living.
Q How long did you live in that house on the Campbell place?
A Why, I guess probably two or three months.
Q Where did you move to or go to when you left that house?
A We moved to the Cherokee Nation.
Q What time of the year did you move to the Cherokee Nation from Kansas?
A Well, we come on about the 1st of November or December, along somewhere about there, along there somewhereas as well as I remember.
Q How do you fix it that it was the Fall of the year of '66 that you came to the Cherokee Nation? A Well, the way I fix it is by the date of the year that Mr. Gibson died, it was in the year of '66, and I furthermore fix it by this date--in the Spring of the year '65, when President Lincoln was assassinated we settled there, and left the next year after the assassination of President Lincoln in '65.
Q You left the next year, did you? A Yes, sir.
Q When you left Kansas for the Cherokee Nation, who came with you? A My father, Nicey and Rhoda Davis and myself.
Q About what time of the year did you arrive in the Cherokee Nation? A Well, I don't know just exactly, but I think it was in November or December, somewhere along there close to Christmas.
Q Did you father ever make a trip to the Cherokee Nation before this time, from Kansas? A Yes, sir, he did.
Q When was that? A I can't bring it to mind now whether it was 66 or 65, one of them years, he come down horse back and bought a place and returned back and told me where he bought the place, and that's another thing that brings it to my memory that it was in '66. He told me that he wanted me to go to a neighbor's house and see about some hogs that got into his field, and he told me to go up there and get 'em, and he give me a terrible flogging.
Q Was that when you were getting ready to come to the Cherokee Nation? A Yes, sir, when we was gettingready. He says all niggers has got to go to the Cherokee Nation.
Q Now, when you got down to the Cherokee Nation, where did you go to, where did you live? A When we got to the Cherokee Nation we went to the east side of Grand River, right beside Cabin creek.
Q Did you move into a house there? A Yes, sir, moved into an old house there, and shortly after we moved into that house, my father decided to build another, and we moved into it next to the river--we moved into it about Christmas eve.

Q Did your father continue to live in the Cherokee Nation after that time until his death? A Yes, sir.
Q Have you lived in the Cherokee Nation continuously ever since that time? A I was out of the Cherokee Nation two months and five days, as well as I remember.
Q When was that? A In '82.
Q Now is Nicey Mayfield, is that your mother or stepmot er? A T at's my stepmother.
Q When did your mother die? A My mother died about '67, in Sequoyah District.
Q Now, explain how it was that your mother was living in '67 and '66, and you, at the same time, had a stepmother in Kansas? A When we moved, the country taken was north, and I remember in '63 my mother was in one place and my father in another, and my father had taken me from my mother; she was at that place, and he moved over there and took me on North, and my mother just remained here on the place--- about from place to place, upuntil the time of her death. She never did go out of the Territory.
Q Do you remember a man by the name of Springfrog around in this country when your folks first came here? A Yes, sir, I remember Springfrog.
Q Do you know of any incident by which you connect your memory with Springfrog? A Yes, sir.
Q Relate it? A We had to go to Springfrog to get the bread we eat.
Q Do you recollect any other instances or things that happened along that year or spring that your folks came down here---can you relate any------?
A Let me see----Along in that year, the spring that we come here---- the spring after we come hre, the spring of '67, I recollect Henry Scraper give a white fellow a terrible whipping because he was on the place, and he made him get off.
Q Did youeverhear of a man around in that neighborhood any place by the name of Blevins? A Yes, sir.
Q What was hisfirst name, if you know? A Burrell.
Q Do you remember anything or any circumstances by whichyou connect your memory of him? A Yes, sir.
Q Relate it? A When we come here from Kansas my father had a prairie plow, and old man Springfrog he bought the plow from my father and give him a cow about two or three years old, and the cow run up on the Creek near this man Blevins and had a calf--my fa her went up to Blevins' him and me, and took Springfrog and went up there, and Blevins went into the brush and made them all hide out, and took it away from us. I recollect that was in the spring-----
Q How did you and your family return to the Cherokee Nation, did you come here in a wagon? A Yes, sir.
Q What did you drive to that wagon? A Horses.
Q Horses? A Yes, sir, drove horses to thewagon and dreve a bunch of hogs and a bunch of sheep.
Q Did you and Nicey Mayfield move to the Cherokee Nation at the same time Thomas Mayfield did? A Yes, sir.

CROSS-EXAMINATION------Davenport:

Q You have just swore that you and your father and stepmother were living in Monroe Township, Anderson County, Kansas, near Garnett, as I understand it? A Yes, sir.
Q And you claim that you came back to the Cherokee Nation with your father and stepmother? A Yes, sir.
Q Who else came with you at that time? A Sir?
Q Who else, if any one, came with you? A Well sir, there was Nelson Martin and Columbus Rogers and Jim McAnnally.
Q That was all? A Yes, sir.
Q You came by wagon and you drove some sheep, you say?
A Yes, sir.
Q How many sheep did you have in your bunch? A I don't know sir, some 20 or 30.
Q Have any hogs? A Yes, sir.
Q How many? A 10 or 12 may be, I guess.
Q You lived, you claim, at the time you came back to the Nation, on the Campbell place? A Yes, sir, did live on the old Campbell place.
Q Were there any other colored people there? A Yes, sir.
Q Who were they? A Duffins.
Q What Duffins? A Matthew Duffin was the old man's name.
Q You say you never went to school in the stone school house? A No, sir, Wasn't no stone school house there.
Q Do you know a man by the name of Louis M. Ernest? A Yes, sir.
Q Did you know any boys there that old man Campbell had on the place there by the name of Foster? A Yes, sir, I knew them boys, but they wasn't on the place of old man Campbell's I don't think.
Q Up to the time you claim you left Monroe Township, Anderson countr Kansas, near Garnett was there in that neighborhood any other family who lived in that neighborhood by the name of Mayfield? A No, sir, none that I know of.
Q Did you ever hear or know of any other family by the name of Mayfield living in that neighborhood? A No, sir.
Q Did you ever know of any man by the name of Charlie Mayfield other than yourself living in the neighborhood of the Campbell and Gibson places? A No, sir, I don't know of him.
Q Did you ever go to school to Maggie Smith, and old school teacher, who taught school in that neighborhood? A Let me see---I disremember now, what that teacher was named.
Q You went to school to the old teacher there, did you?
A Yes, sir, went to school to the old teacher.
Q You say you was about 16 or 17years old when you left Kansas? A I don't know as I was quite that old.
Q You had raised those sheep there, had you not? A No, another man raised them, we bought them.
Q How many did you buy? A I don't know, I think we bought that bunch thatwe drove here. We raised some and bought some.
Q You think you had not owned any at all before you bought these?
A No sir.
Q How many hogs did you buy? A I disremember.
Q But you did have some hogs and sheep and horses while you were living in Monroe Township in Anderson County, Kansas? A Yes, sir.

Q And you brought them away when you moved? A Yes, sir.
Q You left the Campbell place, as I understand you, and came to the Nation? A Yes, sir.
Q Do you know Joe Hardesty that testified here, or did you know him before you left Kansas? A Yes, sir.
Q He lived there? A Yes, sir.
Q You ever been back there since you left? A No, sir.
Q You knew Jim Gibson, thattestified, here, before you left there, and Mrs. Petty? A Yes, sir.
Q And what time of the year you say you left Kansas?
A It was in the Fall or early winter.
Q About what time? A November or December, along there-----
Q You made no memorandum at that time? A No, sir, I never made any memorandum, because I am uneducated.
Q You had gone to school some before you left there? A Yes, sir, but failed to make any advancement.
Q Now, what time of the year was it that you got down to the Territory? A We wasn't but a short while on the road, coming to the Territory.
Q Did Sandy Bean live in the same township there with your people?
A Yes sir.
Q And Nathan Duffin lived in the same house? A Yes, sir.
Q Where did Harrison Adams live? A I don't know sir just exactly where he was living at that time we moved.
Q You moved the first place when you came to the Cherokee Nation was where? A East side of Grand River in Saline District, near Bill Hicks' place and the Wolf place and Scrapers.
Q Who was living on the Scraper place at that time? A Why John Wright or ------
Q Who was living around Spavinaw, anybody? A Why, I disremember who was living there-----Webb Christie was running the Mill----we just returned to the country at that time. Lon Lynch was there, but we had never seen him.
Q How far did you live from the old Lynch place? A Two or three miles----you had to go down the river and come over---we cross right at the place.
Q What was it called, the place where you crossed? A The landing--crossing.
Q And that was in the winter time---did you ferry or ford it?
A We forded it.
Q Drive your sheepthrough? A Yes, sir, then we taken some of them in a canoe, the smallest ones.
Q What did you do with the hogs? A Taken them over in the canoe.
Q Who was running the canoe? A We run it ourselves.
Q There was a man by the name of Snowmaker there in '66?
A Yes, sir.
Q Snowmaker is not living now, is he? A No, sir.

Q Is there in that neighborhood that was living there then? A Well, there was no one that I remember that was living there but George Clark was around in that section at the time, he wasn't living right there neither; he was with old man Wolfe.
Q Were the penge boys there? A Yes, sir,there was "Cute", he was just a child at that time.
Q He was about your age? A Yes, sir, he was older than I was.
Q Well, the springfrog place was clo e to that, wasn't it?
A No, sir, they was more than 5 or 6 miles apart---Springfrog place lays east of the Wolfe place; the wolfe place is on the river and the Springfrog place is out in the country leading to the Spavinaw hills.
Q What year was it that this man Blevins and this fellow had such a time about that cow? A That was in the Spring of '67.
Q What time of the year was it that your father bought the cow?
A Some time along about---I don't know what time---let me see---I don't know anything about that--that's something out of my knowledge.
Q Well, you testified to it a while ago? A Well, it was out of my knowledge what time he bought the cow.
Q Well, as near as you can remember, tell me what time he bought the cow? A I don't know---I can't tell.
Q How old did you say it was? A It was about two or three years old---anyhow, it brought a calf that Spring.
Q About what time of the year did she bring a claf? A I can't say exactly.
Q You know when you left Kansas, can't you say when the cow brought the calf? A I suppose it must have been along about March or April.
Q Don't you know? A No, sir.
Q What time of the year was it when they had the row? A It was in the Spring.
Q Where was Blevins living at that time? A Upabout Spavinaw.
Q Where was it found? A At Zink Miller's place.
Q Were you along at his place at that time?
A I don't know that.
Q was you at the place at the time they had the row? A No sir, I couldn't tell.
Q You been living in that countryever since? A I haven't been up in that country for 20 years.
Q How far is it from where you live? A About 10 or 12 miles.
Q You state now that you left Kansas at what time in '66?
A I said we left Kansas in November or December, early part of the winter.
Q You testify to that from your memory, do you not? A Yes, sir.
Q Never made any record? A No, sir.

REDIRECT - EXAMINATION------Patton:

Q Was the time as to when a cow had a calf of as much impertance to you as the time when you left Kansas? A Yes, sir, it was just as much.
Q You think that you would be apt to remember as well when a cow had a calf as you would when you left Kansas? A Yes, sir.
Q About what time was it when the cow had the calf? A Must have been along about the middle of April.

Q Now when your folks left Kansas, did they come right straight on through or make any stops on the way? A We made stops on the way---- come down to -----and down to Iola and rested a day or two, and then down into the Osage Nation.
Q But you never stopped at any place for any length of time? A No, sir, come straight on through.
Q Now, about how old were you when you started for the Cherokee Nation? A I must have been about 14 years old.
Q Whatever property that your folks owned while you were in Kansas, who owned that property, you or your father? A My father.

ON BEHALF OF COMMISSIONER:

Q Did you ever return to Kansas after you came down to the Nation in '66? A No, sir.
Q Did your father ever return to Kansas? A No, sir, not any farther than Chetopa, Kansas.
Q Your wife is named Maggie? A Yes, sir.
Q Is she living? A Yes, sir.
Q Does she claim her Cherokee Freedmancitizenship through the same source as you? A No, sir.
Q Through whom does she claim? A Her father, Boney Downing.
Q All of yourchildren for whom you apply living at the present time? A No, sir.
Q You have had no children to die since application was made for them? A No, sir.
Q You stated your mother was named Emily? A Yes, sir.
Q Did she live in the Cherokee Nation during the war? A Not to my knowledge---I don't know.
Q You were with your father all the time? A Yes, sir.

DIRECT-EXAMINATION------Patten:

Q State your name? A Elijah Hydarn.
Q Where do you live, Mr. Hydarn? A I live in Garnett, Kansas.
Q How long have you live in that neighborhood? A Well sir, I have lived there all the days of my life. I was born there.
Q Where were you living in the year 1866? and 1865? A Well, the year '65, I think we was living on Mr. Hall's place; we moved down on the Cloud place in the spring of '66.
Q Where was that placed that you lived in '66? A About three miles east of Garnett, three or three and a half.
Q Did you know at that time a man living in that neighborhood by the name of John Gibson? A Yes, sir.
Q Did you know where J. Y. Campbell lived? A Yes, sir.
Q Where did those two parties live? A From where we lived to where one of them lived about two to three miles south, and the other one was about three miles southwest.
Q Did you live around in that neighborhood any place in the year 1866? A Yes, sir, I lived north of there in '66.
Q Where did you go to school in the winter of '65? A I didn't go to school in the winter of '65.

Q Well, did you go to school at any time in the winter of '66?
A I went the winter of '66, right south, right at the old log house, log cabin.
Q That log house what was that used for? A It was a dwelling house and they used it that winter for a school house.
Q Were you acquainted or did you know the Mayfield family at that time?
A No, I wasn't much acquainted with them---there was just one that went to school, Charlie.
Q Were you acquainted with Charlie Mayfield? A He went there to school.
Q He went there to school? A Yes, sir, at the log cabin.
Q Do you remember whether or not a girl by the name of Redstock went to that log cabin school? A Yes, sir, I think she did; they lived just up the other side of the log cabin school, and I think she went there.
Q Do you remember what hername was? A Her name was Dora.
Q Do you namenow? A Yes, sir.
Q What is her name now? A Her name is Crozier.
Q Do you remember when the stone school house was built up there?
A Do I remember when it was built------

By Mr. Davenport:

I object; and insist that the wintess shall answer "Yes" or "No" whether he knows or not, and then he can explain all he wants to.

On behalf of Commissioner:

The objection will be noted.

A Yes, sir, I do.
Q What is the name of that school house, or was it at that time?
A We always called it the Ernest school house.
Q When was that school house built, the stone school house?
A It was built in the fall of '67.
Q Did you go to school there? A Yes, sir.
QQ Did Charlie Mayfield go to school to that stone school house?
A Not to my recollection.
Q When is the last time that you ever remember of seeing Charlie Mayfield? A Down at the log cabin school.
Q Can you name over some of the people that went to school at that stone school house after it was built? A Yes, sir, there was my brother, older than me, my two brothers---well, there was three of them, but oneof them is dead, and my sister--she's dead now too, and Billy Frankburgher, that's about all I know that went at that time.
Q Do you remember about how long this Dora Redstock went to school at that stone school house? A Yes, sir, she went and her and her sister----
Q Did you say whether or not she also went to that log school house?
A Yes, sir, she went to the log school house.

CROSS-EXAMINATION-----Davenport:

Q Where did you live from the school house that we are talking about, the stone one? A Well, about between a mile and three quarters of a mile.

Q And you lived there how long? A We lived there about 6 years--- I think we lived---I don't know just how long we did live there. We moved there in '66, and I don't know just when we moved away. We lived there two or three years.
Q Are you living in that neighborhood now? A No, sir.
Q Where are you living now? A Garnett now.
Q What is your occupation? A Farmer and do all kinds of work.
Q Do you know who taught school in that school house the first term after the stone school house was built? A A man by the name of Lon Carpenter.
Q Who was teaching in the log school house? A Mary Stevenson.
Q Who was the next teacher at the stone school? A I am not sure, but I think it was Mary Smith.
Q What year did she teach there? A About '68.
Q What part of the year did you say you went there?
A Well, I don,t know that I could say---it was along in the winter, I think. School was out in March. I don't know how many months.
Q You mean the term she taught was out in March '68? A I think it was out in '68.
Q What term did your term begin in? A '67. After the school house was finished why this man commenced to teach-----
Q How long did he teach? A I don't know how many months, but he taught the winter term, and the winter term closed along in the spring, but I don't know how long he taught. I went to school the winter term and got out in March '68, then the next winter this lade came, up in '69.
Q Was that the winter and spring of '68 or winter and spring of '69? A Well, she started her school in '68.
Q Well, I will ask you if you don't know it to be a fact that Maggie Smith closed her school on the 22 day of February, 1868? A I am not sure about the date.
Q Well, she must have started in that year, wouldn't she? A I don't know,when she started, and I don't know how many months she taught.
Q Well, was Maggie Smith the first teacher? A No, sir, Mr. Carpenter taught first and she taught second, if I remember right.
Q When did Carpenter begin? A I don't know just when.
Q It's been shown in evidence in this case that Maggie closed her term on the 22 day of February, 1868? A I wouldn't say as to that.
Q You wouldn't say that it is not, would you? A No, sir, my recollection is that she taught after Carpenter.
Q How old were you then? A About 7 years old.
Q You don,t recollect anything to recall your memory to it, do you?
A No, sir.
Q And you are testifying along after the expiration of 40 years as to your memory as to the terms of school? A Well, I wouldn't be right positive on the records.
Q Did Tom and Harvey Foster go to the stone school house to school?
A Yes sir.
Q Did they go there in the fall or in the early part of '68?
Q Well now, I wouldn't say as to that, but they went to school there.
Q But they didn't go to the log school house in '66? A I don,t recollect of them being at the log school house. My first recollection of them is at the stone school house.
Q And they didn't go there to school until after old man Campbell had adopted them, did they? A Well, I don,t know about that.
Q Well, you understand that he was raising them? A Well, I don,t know.
Q Well, afterwards you found that out? A Yes, sir.

Q He raised them , didn't he? A Oh, I don't know that he did.
Q He raised them from the time he took them; one was 11 and the other was 13, at the time he took them? A I don't know about that, just how old they was.
Q They were older some than you are? A Yes, sir, both of them, I think.
Q You was how old in '68? A Between 6 and 7, somewhere along there.

Q There was such a man as J. Y. Campbell living in that locality? A Yes, sir, he lived there.
Q Did you ever know, Mr. Hydarn, a man by the name of Mayfield other than Charlie Mayfield and his family in that locality? A No, sir, never have.
Q Since the time that they moved from that neighborhood, Monroe Township, Anderson County, Kansas, has there ever been another Charlie Mayfield to your knowledge in that township? A No, sir.
Q Do you know anything about when they left there? A No, sir. only as I said at that term of school.
Q You wasn't big enough to remember dates? A No, sir.
Q But you have lived in that neighborhood continuously since that time? A Yes, sir.
Q And you have never heard of any other Mayfield family?
A No, sir.
Q There were other colored families there living in that neighborhood
A Yes, sir.
Q Do you remember any of the names of these? A Yes, sir, Adams lived there, that was one, I don't recall his first name; just Adams is all I know.
Q Was that the only other colored family? A Oh, there was lots of them, but I can't recall their names.
Q What colored family, if any lived right there with the Mayfield family on the Campbell place, if any one? A Well, I don't know, I never saw any other.
Q How far did you live from the Campbell place? A About three or three and a half miles.
Q You never had been down to the Mayfield house then? A No, sir.
Q You don't know how many families were living in that neighborhood?
A No, sir, I don't.
Q Do you undertake to state positively, Mr. Hydam that Charlies Mayfield didn't go to the stone school house to school? A No, sir, I would state positively, but I say that I don't have any recollection of him going there.
Q Do you know whether or not there was any colored children went to that stone school house? A Yes, sir, some went there.
Q Do you remember the names of them? A Yes, sir, there was one they called Berry and one they called Hager, but what their ~~mmk~~ other names was I couldn't tell you.
Q You just came down as a witness? A Yes, sir, came down this morning.
Q Have you ever seen Charlie Mayfield from the time he left that country until you saw him to-day? A No, sir .
Q You had no talk with him as to what your test mony would be in this case? A No, sir, I never seen him until I seen him around about here to-day.

REDIRECT-EXAMINATION-----Patten:

Q Did you recognize Charlie Mayfield to-day when you saw him? A Yes, sir, I kinder recognized him when I seen him going down the steps; I asked a man if that wasn't him, and he said it was.
Q Who was the man, you know his name? A No, sir, I don't know the man.
Q Would you know the man if he was pointed out to you? If that----- A I believe this is the man right here (Indicating Charlie Mayfield)
Q Do you, or did you mean to say that during these years, when you Why, you were a small boy along in '67, '68 and '69.
were a small boy, that you knew any other family in that township---- A No, sir.
Q Any other family in that township by the name of Mayfield? A No, sir.
Q And have you known any since? A No, sir.

RECROSS-EXAMINATION-----Davenport:

Q Along about the age of 7, you wouldn't remember much about families A No, sir, not much.
Q But of course, they could have lived there and you not have known it? But since you have grown up to be a man, it would be difficult for there to have been a family there and you not have known it?
A Yes, sir, now, it would be.
Q You have never, since the time you saw Charlie Mayfield, the applicant in this case, up to this time, seen or known of any other Charlie Mayfield living in that township? A No, sir.

Witness dismissed.

THOMAS H. MOORE, being duly sworn and examined, testified as follows:

DIRECT-EXAMINATION--------Starr:

Q What is your name? A Thomas H. Moore.
Q What is your age? A 55.
Q What is your post office address? A Ketchum, I. T.
Q Wereyou acquainted with Thomas Mayfield in his lifetime? A Yes, sir.
Q You acquainted with Charlie Mayfield? A Yes, sir.
Q When did you become acquainted with Thomas Mayfield? A My first acquaintance with him was in the winter of '66, when I first saw him.
Q Where did you see him in the winter of '66? A Down at Springfrog's down in Lynch prairie.
Q What was he doing down there? A He lived down there.
Q Were you at his house? A Yes, sir.

Q Who was there living with him at that time? A His family lived there.
Q Who did his family consist of? A He and Nicey.
Q Who else? A Charlie, and another little boy called Berry.
Q How did it happen that you went down there? A Well, there was going to be a dance down there and I went down to dance.
Q Was the dance at Tom Mayfield's house? A Yes, sir.
Q What time of the year was that dance? A Somewheres along about Christmas.
Q About Christmas of '66? A Yes, sir.
Q Where has Tom Mayfield resided from the time that you saw him at that dance until his death? A Right around there, from where this place is I spec it's about three miles above.
Q He been in the Cherokee Nation all the time since then? A Yes, sir.

By Mr. Davenport:
I object; it is a leading question.

On behalf of Commissioner:
Objection will be noted.

By Mr. Davenport:
I move to strike out the question and answer, on account of being directly leading.

On behalf of Commissioner:
Objection will be noted.

Q How long has Charlie Mayfield resided in the Cherokee Nation? A Ever since I knowed him.
Q Ever since you saw him there at that dance? A Yes, sir, ever since he come down here, that I knows of.
Q Do you remember the occasion of a great many Cherokee Freedmen being called to Tahlequah to the Daniels Court? A Yes, sir.
Q Were you called there? A Yes, sir.
Q Was Thomas Mayfield there? A Yes, sir.
Q Did he have a trial? A I don't think he did; I am not certain.
Q Do you know where they met when they were down there to attend the Daniels Court at Tahlequah? A At the Capitol.
Q Was there a great number of freedmen there? A Yes, sir.
Q What, if anything did Judge Daniels tell them about the trial of the cases? A I had taken old man Rowe down there, and they told me that he didn't need the old man down there, that he was all right.

CROSS-EXAMINATION------Davenport:

Q How old are you, Tom? A 55.
Q You went down to the dance at Tom Mayfield's, you say? A Yes sir.
Q That waswhen? A It was in '66.
Q How far did you live from there? A I lived about 15 or 16 miles, the way we went.
Q Who was with you? A Oh, a great crowd; it was a wagon load.
Q Had the dance at old man Tom's house, did you? A Yes, sir.

Q Who went with you? A Oh, Mandy Rowe was one--she's dead now. There was quite a crowd from my neighborhood.
Q Well, tell me who they were---it's been 40 odd years ago----tell me who they were? A There was quite a crowd dfrom about there, and I was quite a boy, but there was Mandy Rowe, and old man Sid and Mandy Wellican.
Q Mandy Wellican living? A Yes, sir.
Q Where does she live? A She lives down in Sequoyah.
Q Well, who else was there that are living now? A I don't know, there was so many of them---I don't recollect.
Q What makes you remember that it was in '66 you went down there? A What makes me remember?---Why, it was the first time I went down there.
Q And what time of the year was it? A It was in the winter, along Christmas times. We all had a big dance.
Q How many rooms to the house did they have? A I know there was one room they was dancing in---I don't remember how many rooms they had; I wasjust a young fellow, and knowed they had a dance there.
Q You was big enough to dance, wasn't you? A Yes, sir, but I didn't dance along with the old folks.
Q Can't you tell me how many rooms they had to a house that you went to a dance to? A Well, I didn't think much about it.
Q And you say they had a dance in '66? A Yes, sir, they had a dance in '66.
Q Well, how do you remember that it was * '66, didn't they have any dances in '67? A Yes, sir, I guess we did.
Q Tell me where you went to a dance in '67? A We had a dance down in '67, we had a dance right where I lived.
Q Tell me about the dance you attended in '67? A We had a dance down at Dan Tucker's in '67.
Q What month was that? A It was about that same winter I guess, in '66.
Q What month in the winter? A January or February, somewhere along there.
Q Of '66? A Yes, sir, in '66 therewas two dances.
Q Now, tell me of another dance that you attended down in that neighborhood in '66? A I don't know of another one that I remember about.
Q You had been to the dance down at Tucker's before you went to the one at Mayfield's then? A I don't exactly remember which dance I went to first.
Q In fact, you don't remember much about the dates? A No, sir, I was just a young boy then, I wasn't paying much attention to dates and things, but this big thing.
Q Did you know Tom Mayfield before the war? A No, sir, I never seen him----
Q Until you went down to his house to that dance? A No sir, never had seen him.
Q Where did you cross the river? A Went around the river.
Q Where did you start from? A Started from _____District, around by Rose Ridges Prairie.
Q Whose team did youuse? A I don't know whose team-----
Q You went to a dance and don't know whose team you used? A Some of them was asking----
Q You said awhile ago that you had a wagon full? A Well, I did, but I don't remember---
Q Whose wagon did you use? A I couldn't tell you to save my life, whose wagon that was.
Q From whose house did you start? A We started from Bob Daniels.
Q Did you start from two different places? A Started from two or three different places---some from oneplace and some from another.

Q You mean that you all started from two or three different places and met at Bob Daniels place and started from there? A Yes, sir.
Q The place that you started from when you left was on the east side of the river? A Yes, sir, on the east side.
Q You got down to Tom Mayfield's about what time in the evening?
Q Oh it was in the night.
Q About what time? A About 8 or 9 o'clock.
Q Did you ever go back down to the Mayfield place after that time?
A Did I?
Q After that, yes? A Yes, sir.
Q What year did you go back to the place? A I don't know exactly what year I went back there. I married in that family.
Q What year was it you went back to the Tom Mayfield place the first time after thedance you have spoken of? A I don't know, I went down there several times.
Q Now, why can't you remember the first time as well as any?
A Well, I don't know what time it was.
Q You say you married in the family? A Yes, sir.
Q Your wife was a Mayfield? A Yes, sir.
Q Now, when did that take place? A We married in 1901.
Q About fourer five years ago, then? A About 15 years ago, I guess.
Q You are interested in the applicants, by marriage? A Yes, sir.
Q Your wife's also an applicant? A Yes, sir, by marriage.
Q You don't know where the Mayfield family lived in Kansas, do you?
A No, sir.
Q You don't know where they lived in Kansas? A No, sir.
Q And you don't know nothing, except as to memory, when you saw them?
A Yes, sir.
Q You was then about 14 or 15 years old? A 15 or 16 years, I guess.

REDIRECT-EXAMINATION-----Starr:

Q You say you married into the Mayfield family? A Yes, sir, Feriby L. Moore.
Q What was her mother's name? A I wasn't acquainted with her mother.
Q What was your wife's name beforeyou married her? A Davis.
Q Has she received an allotment of land in the Cherokee Nation?
A Yes, sir.
Q On the straight roll? A Yes, sir.

By Mr. Davenport:
I move to strike out the last two questions and answers, on the ground that they are irrelevant, incompetent and immaterial.

On behalf of Commissioner:
The objection will be noted.

REDIRECT-EXAMINATION------Patten:

Q Did you mean to say that you were married in 1901 or 1891?
A 1891.

Q Were you mistaken in saying 1901? A Yes, sir.

By Mr. Davenport:

I object to his attorney straightening him out.

On behalf of Commissioner:

The objection will be noted.

ZEBIDEE DOWNING being first duly sworn and examined, testified as follows:

DIRECT-EXAMINATION------Patten:

Q State your name? A Zebidee Downing.
Q What's your post office, Mr. Downing? A Catale.
Q Indian Territory? A Yes, sir.
Q How old are you, Mr. Downing? A 58 yearsold.
Q Where were you living in the fall of the year 1866? A I was living up on Grand River.
Q How far is the place on Grand river from what is called Lynch's prairie? A About three or four miles, as well as I remember.
Q Were you acquainted with Tom Mayfield during his life time?
A Yes, sir.
Q When did you first become acquainted with him? A Why, it was way before the war when I first knew him.
Q When was the first time that you ever saw Tom Mayfield in the Cherokee Nation after the war? A Why, it wason Lynch's prairie, it was in '66.
Q About what time of the year, was it? A It was in the fall, when I seen him.
Q Where did you see him, at what place? A Well, he come down to my house to see my father.
Q Did he know your father before that time? A Yes, sir, they was old acquaintances.
Q How long had he been in the Cherokee Nation at that time, when you say he came up to your house? A Why, he had been there, I guess, three or four weeks, or maybe longer; I couldn't just exactly tell; he had been there just a short time.
Q Were you at Tom Mayfield's house at any time near to that time?
A Yes, sir, I was at his house several times afterwards.

Q was it during the same winter? A Yes, sir.
Q And that was in what year? A It was in '66.
Q Did he have his family down here with him? A Yes, sir.
Q Who was there with him? A His wife, Nicey Mayfield, Rhoda and Charlie Mayfield.
Q And what kind of a house were they living in? A Little log house.
Q Did they ever live in any other house in that neighborhood? A Always lived in a log house when I saw them.
Q Did they continue to live in the same log house tha t they moved into first? A Yes, sir, the continued to live a good bit in the same log house.
Q Then, where did they move? A That was on the same place; when he moved he traded this place off up there; hasn't been so long ago.
Q Do you know whether or not Tom Mayfield lived in the Cherokee nation continuously after that until the time of his death? A I always saw him here afterwards from that time; he was preaching around there, always getting together and preaching around.
Q Do you know whether or not Charlie Mayfield has lived in the Cherokee since that time? A I have always saw him here.

CROSS-EXAMINATION-----Davenport:

Q Tom was a preacher, was he, Zevidee? A Yes, sir.
Q Very religeus kind of a fellow; didn't believe in any rows or romping around raising disturbances? A No, sir.
Q How old were you in '66? A I was---I don't know just exactly how old I was then; I am 58 years old now.
Q What year was you born? A Born in ~~the~~ '56.
Q Are you a man of family? A Yes, sir.
Q What year was you married, Zebidee? A I was married---I don't know, but I remember I have been married 32 years. Of course, I didn't keep the correct dates, them's the dates I could find out.
Q Didn't keep any correct dates as to the time you saw Tom Mayfield? A I didn't keep it, but of course according to the time they went on holding----
Q You remember the date of your marriage as well as any other, don't you? A No, sir, I don't know just the date of my marriage.
Q What year was the Kerns-Clifton roll made? A I don't remember just exactly.
Q What year was the payment made? A I don't remember just exactly.
Q It's only been a few years since that was made, ain't it?
A Yes, sir.
Q You know when the Wallace roll was made? A No, sir, not exactly.
Q Can you tell me when this present Commission began making the freedman roll? A No, sir, I can't.
Q Did you know Tom Mayfield and his family prior to the war? A Yes, sir, I did.
Q Where did you live A Lived in the nation here.
Q How far from them? A Lived right close to them.
Q Who did you li e with? A Lived with the Downings.
Q Where was his home? A On Grand River.

Q How far from where Spavinaw empties into Grand river? A I couldn, tell you just exactly---three or four miles.
Q Where was the Mayfield home prior to the war? A I don't know where it was---down the valley there---I wastraveling around.
Q Was you ever at his house? A Yes, sir.
Q Before the war? A Yes, sir, long before the war.
Q You never was down in the neighborhood where they lived before the war, was you Zebidee? A Yes, sir, I was down there.
Q At what place? A Way down below.
Q At what place? A Way down on Saline creek.
Q To whose place did you go prior to the war in the neighborhood of where Tom Mayfield lived? A Went to Mr. Mayfield's.
Q What was his name? A His name was Mayfield.
Q Did he have any other name or was his name just Mayfield?Mayfield?
A I just forgot his name now?
Q You never knew it, did you Zebidee? A Yes, sir.
Q You knew that just as well as you knew that you went over to old man Tom Mayfield's in those days? No answer.
Q I will ask you if it was nearly 100 miles from where you lived on Grand river to where Tom Mayfield lived when the war broke out?
A No, it wasn,t.
Q How far was it then, form where you lived on grand river to where Tom Mayfield lived when the war broke out? A I don't know how many miles it was---I couldn't measure the miles--didn't have the correct measure.
Q What direction was it from where you lived? A South.
Q How far wasit from Tahlequah was it that he lived? A I couldn't tell you exactly how far it was.
Q Where was it with reference to any stream of water or any point that was then in the Cherokee Nation? A Why, Tahlequah was there.
Q How far was it from Tahlequah? A I couldn't tell you exactly.
Q You don't know, do you Zebidee? A Not just exactly.
Q You don't know the time the war broke out where Tom Mayfield and his family was, do you? A Yes, sir, they was down below there---I don't know just exactly where they was, but I saw them there.
Q You had been down to the place---well now, whose place was it, if you had been down there? A It was old Mr. Mayfield's place.
Q What was his first name--there was more than one Mayfield?
A I don't know what the reast of his name was.
Q Can you tell me whether or not it is a fact that the Mayfield he lived with lived down there right on the old plantation, along where the Iron Mountain rail road is between Fort Smith and Lees Creek?
A Well, that maybe, I can't tell you about the Iron Mountain; it is got there since the time that I knew him; I had been knowing him, and he's been traveling around.
Q You are testifying from your memory, ain't you? A I am testifying what I know.
Q You didn't have any book? A No, sir, I didn,t have any book; I wasn't educated like you is now. What is know is recollections.
Q You have tried to keep dates, have you? A No, sir.
Q Never in your life? A Lots of things I put down, and don't have them with me.
Q You didn't have it in your book as to the time you went there to Tom Mayfield's place, did you? A No, sir, I didn't.
Q When did you go back to his place, if ever, after the war? A I went back there several times.
Q What time, what year, did you go back?

A I couldn't tell you----After that, it was the time when he first come down here, when they were all coming in here.
Q When did you go back from this place, what time, what year and month? A Well, I didn't keep dates; went backseveral times afterwards.
Q What time? A I didn't keep the dates.
Q You don't remember the dates, you don't remember any dates at all when you was there, do you? A No, sir, I never put down any dates.

By Mr. Patten:

Attorneys for the applicant object to this line of questions as to the particular time and date of each and every time witness visited a certain place, as it plainly shows that it would simply be impossible for a person to give them.

By Mr. Davenport:

And the attorneys for the Cherokee Nation state that is why they are asking them, to test the memory of the witness.

On behalf of Commissioner:

Objection will be noted.

Q Zebidee, how old are you now? A 58 years.
Q 58 years old? A Yes, sir.

REDIRECT-EXAMINATION-----Patten:

Q Mr. Downing, how is that you fix the time the Spring of '66 that you saw Tom Mayfield for the first time after the war?
A Why I saw him down here, and why we saw him that was because, that was the time for them all to come back, and all of them was coming, and I was here before they come, and heard of them coming.
Q Do you know when you came down here? A They year I come, it was in 1865
Q Was it before they had any court, of after that you came down here?
A It was along in the year 1865.
Q What time was it you said you came? A '65.
Q Well, how long was it after you came down that ~~Mr~~ Tom Mayfield came? A How long after I come---it was a year, pretty near a year, not quite, but I come here in '65.

RECROSS-EXAMINATION-----Davenport:

Q I believe you stated that you wasn't in Kansas where the Mayfield family was? A No, sir, I didn't say where I come from.

Q Did you know the Mayfield family in Kansas? A I didn,t know them in Kansas.

TOBIAS BEAN, being first duly sworn and examined, testified as follows:

DIRECT-EXAMINATION------Starr:

Q What is your name? A Tobias Bean.
Q What is your age? A About 63 or 64, that's what I guess.
Q What's your post office address? A Ketchum.
Q Where were you living in the Fall of '66? A On the grand river on the fall of '66.
Q What time did you come to the Cherokee Nation? A Along in September.
Q Are you the same Tobias Bean who was at one time an applicant for enrollment as a Cherokee Freedman? A Yes, sir, I am the only Tobias Bean that I know of.
Q Were you acquainted with Tom Mayfield in his lifetime? A Yes, sir.
Q Did you see him in the Cherokee Nation after the Civil War?
A Yes, sir.
Q When was it that you first saw him in the Cherokee Nation after the close of the Civil War? A It was in the winter of '66.
Q Where was it? A On Grand River.
Q Did he have any members of his family with him there? A Yes, sir.
Q Who were they? A Nicey, Charley and Rhody.
Q Rhoda Davis? A Yes, sir.
Q Where was he living at that time? A Living about two miles below Island Ford on Grand river, on Lynch's Prairie.
Q How far did you live from them? A About two miles, I guess, lived close to Island Ford, about two miles east.
Q How do you fix the date that you yourself came to the Cherokee Nation as being in 1866? A Because I got shot there in 1866.
Q Where did you get shot? A Upon Horse Creek.
Q Were you one of the people who was in that Horse Creek fight?
A Yes, sir.
Q Now, with reference to this Horse Creek fight, when was it that Tom Mayfield and Charlie Mayfield came to the Cherokee Nation? A Directly after the Horse Creek fight.
Q How soon after the Horse Creek fight? A Week or two, I guess.
Q Do you remember the occasion of a great number of Cherokee Freedmen being called to Tahlequah before the Daniels Court? A Yes, sir.
Q Were you called there? A Yes, sir.
Q Was Thomas Mayfield called there? A Yes, sir.
Q Did he go there? A Yes, sir, he went.
Q Did he take any witnesses with him? A Yes, sir, the whole crowd went.
Q Did they have a trial of his case?

A No, sir.
Q Why?

By MR. Davenport:

We object on the ground that it is irrelevant and immaterial unless this party was connected with the Court, he wouldn't be in position to know why.

On behalf of Commissioner:

Objection will be noted.

A Judge Daniels told him wasn't any use for him to come down there; he knowed he was all right, and he went home. Judge Daniels told him to go ~~on back~~ home.
Q Was Judge Daniels the judge of that Court? A Yes, sir.
Q Was Tom Mayfield present at the time Judge Daniels told them all to go home? A Yes, sir.

CROSS-EXAMINATION------Davenport:

Q Who was your father, Tobe? A Sandy Bean.
Q Was Sandy with you when you came back to the Cherokee Nation?
A No, sir, not the first time hewas.
Q When did he move down to the Cherokee Nation? A In the winter of '66.
Q What time of the winter of '66? A Two or three weeks before Christmas.
Q Did he continue to remain down here after that? A Yes, sir.
Q Never been back to Kansas to live? A No, sir.
Q I will ask you if Sandy Bean wasn,t living in Kansas in 1868?
A No, sir, I guess not.
Q Do you know whether he was or not? A Yes, sir.
Q What part of Kansas did you go to and leave from when you came to the Cherokee Nation just after the close of the war? A We come from Anderson County.
Q Do you remember the neighborhood in which you lived by naming some of the citizens that lived there? A Yes, sir.
Q What were some of their names? A Bill Spriggs and Dock Bowers.
Q Anyone else? A Yes, sir, the Campbells.
Q Now, what is you say that makes you remember that you saw the Mayfields in '66? A Well, it was the same fall that I came here and was shot on the road.
Q Did your father and the Mayfields come back together? A No, sir.
Q Who came with your father? A My brother, Jack Bean, George Bean, Henry Thornton.
Q How about Ben Adams? A He wasn't along.
Q Well, how about Warren Adams, you know anything about him, did he come along with them?

A I don't know, old man Adams did; I am not certain about Warren.
Q You testified in the Adams case, didn't you? A Yes, sir.
Q I will ask you if you didn't testify in that case that Warren Adams returned to the Cherokee Nation in the latter part of the year 1866? A Yes, sir.
Q Did he return to Kansas and live in Kansas after he came to the Indian Territory? No answer.
Q I say, did he return after the latter part of '66 and live up in Kansas? A No, sir, he stayed here when he come.
Q Never lived back in Kansas? A No, sir.
Q What neighborhood did Warren Adams live in in Kansas? A Close to Garnett, in Anderson county.
Q How far from the Campbells that you spoke of? A About three miles, I guess.
Q Same neighborhood? A Yes sir.
Q Sandy Bean, did you know him? A Yes, sir, he lived on the Bill___ place.
Q How far was that from Campbell's? A About a mile and a half, I guess.
Q Now, this Court that you talked about, you never had anything to do with that Court, as officer of the court? A No, sir, they told me to come over there and prove my rights, and the judge said he didn't have any use for me there; said he knowed we was all right, and to go ahead home.
Q That judge is dead now, isn't he? A Yes, sir.
Q Is the Clerk living? A I don't know whether he is or not.
Q Who was the Clerk at that time? A I don't know.
Q Where was this? A In the Capitol there, right in the Capitol square, where it is now.
Q The same building? A I don't think it was the same building.
Q Was it a brick building? A No, sir, I don't know----
Q You ought to know whether it was a brick building or not?
A I don't remember.
Q What year was that? A It was about '73, I guess.
Q Well, which is it, 70 or 73? A I said 70 or 73.
Q You don't know, do you? A No, sir.
Q You know what year the Dawes Commission commenced to make the Freedman roll? A The Dawes Commission?
Q That's the present Commission here? A I think it was about '93, I don't remember exactly, but I think it was '93, it was '90 or '93.
Q Well, which was it? A Well, you can put it '93.
Q You haven't a very good memory, have you To be? A Not very good.

By Mr. Patten:

Attorneys for applicants ask that a copy of the docket of the Daniels Court of 1871, presided over by the Honorable Chief Justice, R. B. Daniels, in regard to the application of Cherokee Citizenship cases, be made and filed as a part of the record in this case.

By Mr. Davenport:

The representatives of the Cherokee Nation object to the introduction of the entire record, but consent to the introduction of any portion of the record that relates to any or all of the applicants in this case.

On behalf of Commissioner:

The docket referred to is in book form, and the docket entries are made from pages one to fifty-seven inclusive. There would appear to be no objection to making a part of the record in this case any particular case or cases of which there is a docket entry, but as to incumbering the record with a copy of the entire docket, it does not appear that the request is of sufficient merit to be granted, and is, therefore, denied.

By MR. Patten:

The attorneys for applicants ask that the entire proceedings and records in the case of Thomas Mayfield, before the Daniels Court in 1871, or a copy thereof, be made a part of the record in this case.

On behalf of the Commissioner:

The entry in the Thomas Mayfield case is found in the docket above referred to on Page No. 55, headed (Saline District) and is as follows: "R. R. 60, Thomas Mayfield, Decided against defendant June 8, 1871." This office is not in possession of the records in the matter of these freedmen citizenship cases tried by the Daniels Court, but request will be made of the Executive Secretary of the Cherokee Nation for a complete copy of whatever record he has in his possession, and if the same is secured, it will be filed in this case, and a copy will be served on the attorneys for both parties.

By Mr. Starr:

Attorneys for applicants request that a copy of the testimony of George A. Campbell, taken at Muskogee, Indian Territory, May 15, 1902, in the matter of the application of Tobias Bean, et al., for enrollment as Cherokee Freedmen, No. 1380, be made a part of the record in this case.

By Mr. Davenport:

Is it not a fact that this same George A. Campbell has testified for the applicants in this case?

By Mr. Starr:

He testified for the Cherokee Nation inthis case; not for the applicants.

On behalf of Commissioner:

The attorneys for the Cherokee Nation offering no objection to the filing of the testimony referred to, a copy of same will be filed herein and made a part of the record in this case.

By Mr. Starr:
The applicants move the Honorable Commissioner make a statement as to what the records in the case of Tobias Bean and others, Freedmen-1380, show, as to what the decision of the Commissioner and the determination was in that case.

By Mr. Davenport:
The representatives of the Cherokee Nation object to any statement being made; if they desire to introduce the decision herein, we have no objections.

On behalf of Commissioner:
As to the request of the attorneys for applicants, it is stated that in the determination of applications for enrollment as Cherokee Freedmen, official notice is taken of the Commissioner's records in all points raised where same are material to the case at issue.

APPLICANTS REST.

TESTIMONY ON BEHALF OF THE CHEROKEE NATION.

L. M. ERNEST, being first duly sworn and examined, testified as follows:

DIRECT-EXAMINATION------Davenport:

Q What is your name? A L. M. Ernest.
Q Where do you live, Mr. Ernest? A Garnett, Anderson County, Kansas.
Q How long have you lived in Anderson County, Kansas? A I have lived there since the 10th day of March, 1866, with the exception of about 8 months.
Q What time were the 8 months that you were absent? A That was in '84.
Q What township in the county do you live in Mr. Ernest? A Monroe Township.
Q Do you know what was known as the Ernest school house in Monroe Township? A Yes, sir.
Q Are you the gentelman for whom it is named? A Yes, sir.

Q Where was it located with reference to the farm that you are interested in, Mr. Ernest? A Located on the southeast corner of the NE4 of Section 28, Township 20, Range 20.
Q Were youinterested in the farm at the time the school house was erected there? A Yes, sir.
Q When was that stone school house erected, Mr. Ernest? A Well, that's a little confusing to me, just when the stone school house was erected; we erected a frame, as I recollect in '67. The school house burned down, probably in a year or two years, and the stone school house was erected immediately.
Q Well, when did you go into the neighborhood? A I went into the neighborhood in March, 1866.
Q After you went into the neighborhood, I will ask you if youheld any official position in Monroe Township, and if so, what years?
A I held official position of trustee, it was called, there, in the years '68, '69, '70 and '71.
Q What were the duties of Trustee in the township; at that time, Mr. Ernest? A The duties were to make assessment of the public and personal property every two years, and of the real estate.

By Mr. Patten:
Attorneys for the applicant object to this testimony and ask that it be stricken out, because the laws of Kansas are the best evidence, and will show what the duties of the office were.

On behalf of Commissioner:
The objection will be noted.

Q You acted in the capacity of assessing taxes for two years?
A Four years.
Q And the first year was what year? A 1868.
Q And did you keep a tax book of the names of the parties assessed and the kind of property? A Yes, sir.
Q That was prepared by you or under your direction, was it, Mr. Ernest? A Yes, sir.
Q Did you make the entries on a book at the time of the assessment, or what was known as sheets, and then have them run off into the book? A Made the assessment of personal property on sheets and then transferred it.
Q Do you know where the book that you made your assessment in 1868 is that you turned into the county? A Yes, sir, I know where it is.
Q Examine the book which I hand you andstate whether or not the assessment you made in 1868 of the personal property of Monroe Township is the book you entered your assessments on and turned into the county
A Yes, sir, this is the book.
Q I wish you would examine the book which youhave identified as being the book you made your assessment on in '68, and see if you find anyone by the name of Mayfield as having been assessed in that year?
A I find the names of Charles Mayfield assessed in '68.

By Mr. Davenport:
Now, the representatives of the Cherokee nation ask that as that is a public record of Anderson county, that that part of it relating to the assessment of Charles Mayfield be copied in the record, so that the book may be returned to

the County Clerk of Anderson County.

By Mr. Patten:
Attorneys for the applicants object to the introduction of this evidence, First; Upon the ground that by the witness's own statement just a few moments previous, that these records and the one offerred in evidence are not original entries. Second: because it has not been shown that this is a public record, or that it came from the proper public office.

On behalf of Commissioner:
The objection will be noted.

The following was read into the record from the book above referred to:

Statement No.	Name	No. of Horses	Value	No. of Sheep	Value
1	Charles Mayfield	3	$80.	8	$20.

No. of Hogs	Value	Average value of all.	Average value per Property
2	$9.00		$50.

Total $159.00. Deduct Constitutional exemption $200 Remarks: County.

Total taxable property ----------.

Q I will ask you, Mr. Ernest, if in the column of "Value", if the dot over in front of 80 was intended for a period, or if you can tell what it was intended for? A It was intended to be $80.00---this is the Dollar column here and this is the cent.
Q When this book was made up by you as assessor, to whom was it turned in? A County Clerk.
Q The County Clerk's office? A Yes, sir.
Q What place? A Garnett, Anderson County, Kansas.
Q Where did you come in possession of it when you came down here as a witness in this case? A From the present county Clerk.
Q Did you give him any receipt or showing? A I gave him a receipt for the prompt return of this book; he holds me responsible for it; he said to me "When you return that book, I will give you back ik your receipt."
Q Are the entries with reference to Charles Mayfield in this book as they were when turned in, Mr. Ernest? A Yes, sir.
Q I wish you would examine the book, which you have now identified as being the book of your assessment in '68 of Monroe Township, Anderson County, Kansas, and see if you can find the name of Bean, Sandy Bean, it is? A Yes, sir.

By Mr. Davenport:
The representatives of the Cherokee nation desire to offer that part of the record of assessment which has been

identified by the witness, which relates to Sandy Bean being assessed in 1868, and asks that it be read and copied in the record, so that the book may be returned to the county clerk of Anderson County, Kansas.

By Mr. Patten:
The attorneys for the applicant object to the introduction of this evidence on the ground that under with witness's own statement, who offers this record and tries to authenticate it, that the records are not the original ~~entries~~ entries.

On behalf of Commissioner:
The attorneys for the Cherokee Nation will be permitted to introduce the evidencereferred to, and it will be considered for what it is worth.

Pursuant to the above, the following was read into the record, from the book heretofore referred to:

No. of Statement.	Name	No. of horses.	Value	No. of Hogs.
6	Bean, Sandy	4	$135.	3

Value	Average Value of all	Average per. property	Total
		35	180
$10.00			

Deduct constitutional exemption 200 Remarks: (ditto "Country")

Q I will ask you, Mr. Ernest, if the entry there as concerns Sandy Bean has been changed since you turned it into the Clerk? A No, sir.
Q I wish you would look upon the book which you have before you, and shown by you to be the assessment book of Anderson County, state of Kansas of 1868, and see if you find the name of Warren Adams?
A I do.

By Mr. Davenport:

The representatives of the Cherokee Nation desire to introduce the entry in the book of assessment of 1868, which refers to Warren Adams, and ask that it be read and copies in the record, so that the book may be returned.

By Mr. Patten:

Attorneys for applicant object to this, upon the same ground as previously stated in the other objections in the same record.

On behalf of Commissioner:

Therequest of the attorneys for the Nation will be granted and the evidence considered for what it is worth.

Pursuant to the above, the following was read into the record from the book above referred to:

No. of Statement.	Name	No. of Horses	value	No. of Cattle.
5	Adams, Warren	#3	60	1

Value	No. of Hogs	Average value of all	Average Per. Property
12	1 Value 3	-------	17
Total	Decuct Constitutional exemption		Remarks.
92	200		(Ditto) "Country"

Q Has that entry been changed any, Mr. Ernest, since you turned it into the Country Clerk? A No, sir.
Q I wish you would examine the book which you havebefore you, and see if you find any assessment in 1868 of Nathan Duffin? A Yes, sir.

By Mr. Davenport:

The attorneys for the Cherokee Nation desire to offer in evidence the entry inthe book which has been identified by the witness as the assessment of Monroe Township for 1868, of Nathan Duffin, and ask that the same be read and copied in the record, so that the same may be returned to the County Clerk of Anderson County.

By Mr. Patten:

The attorneys for the applicant object to this, upon the same ground as previously stated in the same record.

On behalf of Commissioner:

The request of the attorneys for the Nation will be granted, and the evidence considered for what it is worth.

Pursuant to the above, the following was read into the record, from the book above referred to:

No. of Statement.	Name	No. of Horses.	Value	No. of Cattle.
1	Duffin, Nathan	4	170	7

Value	No. of Sheep.	Value	No. of Hogs.	Value
110	8	18	7	17

Average Value of All	Average Per. Property	Total
--------	65	380

Deduct Constitutional Exemption	Total Taxable Property	Remarks.
200	180	Country.

Q Has the entry relating to Nathan Duffin been changed since you turned it in to the Country Clerk, Mr. Ernest? A No, sir.
Q Did you know or see the family of Mayfields that lived in that neighborhood, Mr. Ernest? A Yes, sir.
Q Were they white or colored people? A Colored people.
Q Did you ever know any other family of Mayfields in that country there after you moved into the neighborhood but this family of Mayfields? A No, sir.
Q Did you ever know any other family, either colored or white by that name? in the neighborhood? A No, sir.
Q Where did this family of Mayfields live Mr. Ernest with reference to where your place was and the Campbells? A 3/4 of a mile south of my house, almost directly south.
Q On what place---do you know what place it was at that time?
A My impression is that they were living on the Campbell place.
Q You knew Mr. Campbell during his lifetime, did you? A Yes, sir.
Q How far was it from his house to where they were living, about how far? A In the neighborhood of ahalf mile, is my recollection.

CROSS-EXAMINATION------Patten:

Q Mr. Ernest, how is that you know that none of these records which you have identified have been changed since the time that they were first written, how do you remember how they were? A I have looked carefully through every page of this book recently, and to my knowledge there has been no change from the original entry.
Q This book, which has been offerred in evidence, contains the assessment records of Anderson County, knowfor how many years, of Monroe Township? A Four years.
Q Do you mean to say that you positively remember now that every record in this book, unless it appears on theface of it that it has been scratched, is just as you entered it, almost 40 years ago? A I answered that, didn't I, in my last answer? After a careful examination of this record, I affirm that there has been no change.
Q You have a pretty good memory, haven't you, Mr. Ernest?
A Oh, in some things, in many matters, I have.

Q Now, Mr. Ernest, I will ask youto examine this record which has heretofore been introduced by the attorneys for the Cherokee Nation, and which is a statement of the personal property in Monroe Township, Anderson County, Kansas, liable to taxation during the years 1868, '69, 70 and 71, and state whether or not your record contains the name of property of Thomas Mayfield? A The name of Thomas Mayfield does not appear upon the record.

On behalf of Commissioner:

Q I wish you would please examine the record Mr. Ernest, and state whether or not it is attested, and if so, whether or not it is sworn to? A It is sworn to by me in 1869, and attested by J. H. Williams, county Clerk. I have it written here in this book.
Q That is a part of the record, is it? A That's a part of the record.

By Mr. Patten:

The attorneys for the applicants ask that the attestation of this record be copied and made a part of the record in this case.

By Mr. Patten:

The attorneys for applicants ask that that part of the record which refers to Charles Mayfield, and which is included in the year 1868 be stricken from this record as the year 1868 it is not authenticated.

On behalf of Commissioner:

The motion will be noted.

The attestation of the record referred to is as follows:

"I, L. M. Ernest, assessor of Monroe Township, in the county of Anderson, state of Kansas, do solemnly swear that the foregoing return of the personal property in said Township for 1869 is true and correct, as far as I have been able to ascertain the same, and that the values attached thereto are, as I verily believe, the true values thereof." Signed, L. M. Ernest.
"Subscribed and sworn to before me this 11th day June A. D. 1869, Signed J. H. Williams, County Clerk."

By Mr. Patten:

Q Mr. Ernest, I will ask you to examine this record and say whether or not it has been certified on the record that is in this book by you as assessor for the year 1868? A No, that attestation is not here for 1868.

REDIRECT-EXAMINATION------Davenport:

Q I will ask you Mr. Ernest, if you made a sworn attestation each year?

By Mr. Patten:
We object to that on the ground that the proper attestation of the record should appear upon the record, and such is the best evidence.

On behalf of Commissioner:
Objection noted.

A I did.
Q Is the items and columns for 1868 as shown by your tax assessors book which you have read from, the correct items and columns as you returned for 1868? A Yes, sir.

On behalf of Commissioner:

Q I will ask you to look at this man (referring to the applicant, Charles Mayfield) and state whether or not you know him? A You mean this colored man here.
Q Yes, sir? A Well, I don't know---his face looks a little familiar to me, but I haven't seen him for a long time, I guess. I saw him looking at me the other day when I came in on the train; I didn't know who he was, but he looked somewhat familiar to me.

RECROSS-EXAMINATION------>Patten:

Q When did you come to Muskogee? A When?
Q Yes, sir, this trip I mean? A This is the only trip I ever made to Muskogee; I arrived here at 155 minutes past 11 o'clock yesterday.
Q Yesterday? A Yes, sir.
Q What road did you come over through the Indian Territory?
A Came over the MK&T from Fort Scott.
Q And you say that you arrived in Muskogee Friday, May 24, 1906?
A Yes, sir.
Q Which train did you come on? A Why, I don't know, I arrived here at 11:15 on the through train, and the Conductor told me that it was No. 5.
Q On No. 5? A I think he told me No. 5; I asked him.
Q Do you know whether or not the train was called the "Flyer?"
A The Conductor said it was the "Flyer" and when I arrived here some other man told me that it was not the "Flyer". I have the Conductor's word for it.
Q Now, Mr. Ernest, are you quite positive that you saw this man on the train on which you came? A No, I didn,t see him on the train. I saw him at the depot.
Q What time did you see him at the depot? A I am not positive about that; I was there all day.
Q Did anyone tell you who this man was? A I think last evening I saw these boys watching

and I guess I enquired of Mr. Campbell and a lot of acquaintances around there, and this man with a lot of colored people were talking, and I looked them over last evening or sme time yesterday afternoon, and some man that I was talking with told me that was Charlie Mayfield.

Q Are you willing to swear that this man Charlie Mayfield, the applicant in this case is the man whose property you assessed in 1868?
A From my best information, he was one of the family of Mayfields, whether it was his property, or not, I am not able to determine.
Q Did you assess the property of the persons to whom it belonged and note in your record that it belonged to those persons, or did you put other property to them, marking it on your assessment record? A I will explain my position on that:. There were cases, frequent, cases, where men have said to me that you may assess my property in the name of so and so; he has to pay the taxes and he mi ht just as well have the credit of owning the property. Those things have occurred, but whether this is one of them or not, I am not able to determine, and furthermore, I don:t know that this property was his---so far as I know, it was his.
Q In other cases, as you said, when a man told you that you might assess his property in the name of some other man, did you make a personal investigation and see that that other man was living in that township, or did you take his statement for his own tax record? A No, in these cases I understood the situation mostly. I may say that in instances you might find two gold watches in a house, one of them belonged to the wife and one to the husband, it is proper for them to be assessed---I might have my wife's watch assessed in my name-----
Q Those cases are frequent? A It's not an unusual thing, but of course, as you ask the question, I will say that usually the people were responsible for taxes, and------
Q Are you willing to swear that the property listed to the persons named in that book actually belonged to them in each instance there?
A Why, with the reasonable exceptions that I made, I am.

By Mr. Patten:

We desire to call the witness, Charlie Mayfield in rebuttal of the testimony just offered bythe Cherokee Nation.

CHARLIE MAYFIELD RECALLED IN REBUTTAL:

DIRECT-EXAMINATION------Patten:

Q What is your name? A Charlie Mayfield.
Q You arethe applicant in this case? A Yes, sir.
Q When you and your family and father left Anderson County, Kansas, did you take all the property with you that you owned there?
A Yes, sir.
Q Did you at any time while living in Kansas own any property?
A Not a hoof of any kind.

CROSS-EXAMINATION------Davenport.

Q There was in your family both horses, sheep and hogs just before you left Kansas, was there not? A Yes, sir, they was in there.

By Mr. Patten:

Q To whom did they belong? A To my father.

By Mr. Davenport:
I object to that on the ground that his father is not here to testify, and nobody knows.

On behalf of Commissioner:
The objection will be noted.

Q To whom did they belong? A To my father, Thomas Mayfield.
Q What did he do with them when he came to the Cherokee Nation?
A He commenced to raise off'n them, and continued until his death.
Q Did he leave them in Kansas or bring them to the Cherokee? A Brought it with him.

On behalf of Commissioner:
By agreement between the attorneys for the applicant and attorneys for the Cherokee Nation, this case will be closed, and the decision rendered on the evidence introduced.

I, Gilbert W. Fincher, state that as stenographer to the Commissioner to the Five Civilized Tribes, I correctly recorded the evidence in the above entitled and numbered cause, and that the above and foregoing is a true and correct transcript of my stenographic notes.

(Signed) Gilbert W. Fincher.

Subscribed and sworn to before me this 24 day of July, 1906.

Notary Public.

GWF.

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Geo. H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he made the above and foregoing copy from the original thereof, and that the same is a true and correct copy thereof.

Geo. H. Lessley

Subscribed and sworn to before me this 31st day of August, 1906.

Chas. E. Webster

Notary Public.

COPY.

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the applications for the enrollment as Cherokee Freedmen of Katie Ridge, et al., consolidating the applications of:

Katie Ridge,	Cherokee Freedmen	D	295
Cornelius Ridge et al.	Cherokee Freedmen	D	586
Phoebe Johnson, et al	Cherokee Freedmen	D	589
Henry C. Ridge,	Cherokee Freedmen	D	638
Ida Jones et al.	Cherokee Freedmen	D	647
Ary Lynch,	Cherokee Freedmen	R	70
Elnora Vann,	Cherokee Freedmen	R	113
Maud Riley et al.	Cherokee Freedmen	D	591
Rosa Vann et al.,	Cherokee Freedmen	D	594
William Townsend,	Cherokee Freedmen	D	636
Dennis Hicks Sr., et al.	Cherokee Freedmen	D	355
Eliza Hawkins et al.,	Cherokee Freedmen	D	358
Joseph Hicks et al.	Cherokee Freedmen	D	360
Katie Hicks,	Cherokee Freedmen	D	361
James A. Hicks,	Cherokee Freedmen	D	362
Joshua Holt, et al.	Cherokee Freedmen	D	644
Mary Johnson	Cherokee Freedmen	D	864
Ruth Vann et al.	Cherokee Freedmen	D	866
Frank Johnson et al.	Cherokee Freedmen	D	875
Frances Johnson et al.	Cherokee Freedmen	D	676.

D E C I S I O N .

THE RECORDS OF THIS OFFICE SHOW: That applications for enrollment as Cherokee freedmen were made to the Commission to the Five Civilized Tribes by Katie Ridge for herself; by Cornelius Ridge for himself, and children, Pearl, Jesse and Myrtle Ridge, and his wife, Laura Ridge as a citizen by intermarriage; by Phoebe Johnson for herself and minor children, Joseph, Percy,

Herbert, Serena and Pearl Milton; by Henry C. Ridge for himself; by Ida Jones for herself and minor children, Lee, Eddie and Stella Martin. Thereafter, on June 27, 1902, there was filed with the Commission an affidavit showing the birth, on June 3, 1902, of Cornelias Jones, child of the applicant, Ida Jones; by Charles J. Lynch for, among others, his wife, Ary Lynch, as a citizen by intermarriage. The others included in said application have been heretofore disposed of, and their rights to enrollment will not be considered in this decision; by Walter Vann for, among others, his wife, Elnora Vann; the others included in said application have been otherwise disposed of and their rights to enrollment will not be considered in this decision; by Maud Riley for herself and minor child, Jesse Barnett. Thereafter, on April 9, 1902, there was filed with the Commission an affidavit showing the birth, on October 26, 1901, of John C. Riley, child of the applicant, Maud Riley; by Rosa Vann for herself and minor child Josephine Vann; by William Townsend for himself; by Dennis Hicks Sr., for himself, by intermarriage, and his wife, Bettie Hicks and minor children, Leroy, Dennis Jr., Delana, Mabel and Elmer Hicks; by Eliza Hawkins for herself and minor child, Tyndle E. Hawkins; by Joseph Hicks for himself and wife Susie Hicks (by intermarriage), and minor child, Otto A. Hicks; by Katie Hicks for herself; by James A. Hicks for himself; by Joshua Holt for himself and wife, Jane Holt, and minor stepchildren, Laura and Ella Beeson, and minor children, Jessie, Willard, Clifford and Maucelia (Marcelia) Holt; by Mary Johnson for herself; by Ruth Chinnett for herself and minor children, Martha, and Lillie Chinnett; subsequent to filing her application herein and prior to September 1, 1902, the applicant Ruth Chinnett was married to one George Vann, and she will now be listed for enrollment as Ruth Vann; by Frank Johnson for himself. Thereafter, on July 1, 1902, there was filed with the Commission an affidavit showing the birth, on February 7, 1902, of Luella Johnson, child of the applicant Frank Johnson; and by Frances Johnson for herself and minor children, Nettie, Katie, Clarence and Wilda Johnson.

The records of this office further show that on October 13, 1905, the Commissioner to the Five Civilized Tribes rendered his decision herein, denying, among others, all of said applicants the right to enrollment as Cherokee freedmen and citizens by intermarriage of the Cherokee Nation, which decision was duly forwarded to the Department, and that, thereafter, on July 9, 1906 (I. T. D. 17844-1905), motions having been filed with the Department for a rehearing of this case, the same was remanded to the Commissioner for rehearing and readjudication, the Department stating that it "considers that this consolidated case should

be divided, and that if possible the division should divide this large family into groups according to the three places from which it is alleged they returned to the Indian Territory, under Article 9 of the treaty of 1866."

In accordance with this direction the Commissioner consolidated the following cases, and further proceedings were had therein at Muskogee, Indian Territory, December 14, 1906; Katie Ridge, D 295; Cornelius Ridge et al. D 586; Phoebe Johnson et al. D 589; Henry C. Ridge D 638; Ida Jones et al. D 647; Ary Lynch R 70; Elnora Vann R 113; Maud Riley et al. D 591; Rosa Vann et al. D 594; William Townsend D 636; Leroy Hicks et al. D 355; Eliza Hawkins et al. D 358; Joseph Hicks et al. D 360; Katie Hicks D 361; and James A. Hicks D 362.

Although the principal applicants included herein other than the applicants in the above mentioned consolidated case, and their attorneys, have several times been notified by letter and in person, of the Department's action in remanding their cases for rehearing, and to submit such evidence as they desired to present in their behalf, they have failed to do so. Their rights to enrollment as Cherokee freedmen will therefore be adjudicated in this decision.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant, Katie Ridge, is the mother of the applicants Cornelius Ridge and Phoebe Johnson, and of one Jesse Ridge and one Mary Ridge, both deceased; that the said applicants and the said Jesse and Mary Ridge deceased, were the slaves of Cherokee citizens at the commencement of the war of the rebellion; were taken from the Cherokee Nation during said rebellion and did not return thereto and establish an actual, personal, bona fide residence therein as provided by Section three of the Act of Congress approved April 26, 1906 (34 Stat. 137); that the applicants Laura Ridge and Ary Lynch and Susie Hicks, neither claim nor possess any rights to enrollment as Cherokee freedmen other than by reason of their marriage to the applicant Cornelius Ridge and the said Jesse Ridge deceased, and the applicant Joseph Hicks; that the applicants Pearl, Jesse and Myrtle Ridge and Joseph, Percy Herbert, Serena, and Pearl Milton, Henry C. Ridge, Ida and Cornelias Jones, Elnora Vann, Maud Riley, Rosa Vann, Josephine Vann (In C. F. D. 660 the Commission found that one Ed Vann, father of the said applicant Josephine Vann, possesses no right to enrollment as a Cherokee freedman, and on May 7, 1904-I.T.D. 3470-1904- said finding was approved by the Department), William Townsend, Leroy, Dennis Jr., Delana, Mabel and Elmer Hicks, (Their father, Dennis Hicks, case D 350 infra.) Eliza and Tyndle E. Hawkins, Joseph, Otto A., Katie and James A. Hicks, were born since 1866 and possess no right to enrollment as Cherokee freedmen except

as descendants of the said Katie Ridge, Cornelius Ridge and Phoebe Johnson, and of Jesse Hicks and Mary Ridge (Hicks) deceased.

After ample opportunity afforded the applicants, Lee, Eddie and Stella Martin and Jesse Barnett, it is not shown by satisfactory evidence that they possess any right to enrollment other than as descendants of their mothers, the said Ida Jones and Maud. The minor applicant John C. Riley is a child of William Riley, whose application for enrollment as a Cherokee freedman was rejected by the Commissioner on February 27, 1907, and the applicant herein, Maud Riley, and possesses no right to enrollment as a Cherokee freedman other than as a descendant of his said parents.

THE EVIDENCE IN THIS CASE FURTHER SHOWS: That the applicant, Dennis Hicks, Sr., neither claims nor possesses any right to enrollment as a citizen of the Cherokee Nation other than by virtue of his marriage to the applicant, Bettie Hicks; that the applicants Bettie Hicks, Joshua Holt and Anderson Johnson, deceased, were the slaves of Cherokee citizens at the commencement of the war of the rebellion; were taken from the Cherokee Nation during said rebellion, and did not return thereto and establish a residence therein within the time provided by Section three of the Act of Congress approved April 26, 1906; that the applicants Jane Holt, Laura and Ella Beeson, Jessie, Willard, Clifford, and Maucelia (Marcelia) Holt, Mary Johnson, Ruth Vann, Martha and Lillie Chinnett, Frank Johnson (In C. F. D. 853 the Commission to the Five Civilized Tribes found, on April 22, 1905, that Rebecca Webber, mother of Frank Johnson, possesses no right to enrollment as a Cherokee freedman and its finding was approved by the Department June 25, 1906-I. T. D. 7712-8846-1906), and Frances, Nettie, Katie, Clarence and Wilda Johnson, were born since the war of the rebellion; are descendants of the applicants Dennis Hicks Sr., Bettie Hicks and Joshua Holt, and of Anderson Johnson, deceased, and possess no right to enrollment as Cherokee freedmen other than as such descendants. The applicant, Luella Johnson, is a child of the said Frank Johnson and Charlotte Johnson, whose application for enrollment as a Cherokee freedman was denied by the Commission to the Five Civilized Tribes on July 21, 1904 and its action affirmed by the Department September 22, 1904 (I.T.D. 7192-7993-1904). No one of the applicants herein nor any ancestor through whom they claim the right to enrollment as Cherokee freedmen, can be identified on the Cherokee authenticated tribal roll of 1880.

IT IS THEREFORE ORDERED AND ADJUDGED: That following the ruling of the Department in the case of Lemuel Welcome (I. T. D. 5848-11776-1904), under the provisions of the Act of Congress approved June 28, 1898 (30 Stat., 495), Laura Ridge, Ary Lynch, Dennis Hicks Sr., and Susie Hicks, are not entitled to enrollment as citizens by intermarriage of the Cherokee Nation, and their applications for enrollment as such are accordingly denied; and that, under the provisions of Section Twenty-one of the Act last above noted, Katie Ridge, Cornelius Ridge, Pearl Ridge, Jesse Ridge, Myrtle Ridge, Phoebe Johnson, Joseph Milton, Percy Milton, Herbert Milton, Serena Milton, Pearl Milton, Henry C. Ridge, Ida Jones, Lee Martin, Eddie Martin, Stella Martin, Cornelias

Jones, Elnora Vann, Maud Riley, Jesse Barnett, John C. Riley, Rosa Vann, Josephine Vann, William Townsend, Bettie Hicks, Leroy Hicks, Dennis Hicks Jr. Delana Hicks, Mabel Hicks, Elmer Hicks, Eliza Hawkins, Tyndle E. Hawkins, Joseph Hicks, Otto A. Hicks, Katie Hicks, James A. Hicks, Joshua Holt, Jane Holt, Laura Beeson, Ella Beeson, Jessie Holt, Willard Holt, Clifford Holt, Maucelia (Marcelia) Holt, Mary Johnson, Ruth Vann, Martha Chinnett, Lillie Chinnett, Frank Johnson, Luella Johnson, Frances Johnson, Nettie Johnson, Katie Johnson, Clarance Johnson and Wilda Johnson, are not entitled to enrollment as Cherokee freedmen, and their applications for enrollment as such are accordingly denied.

Signed Tams Bixby,

Commissioner.

Dated at Muskogee, Indian Territory,

this Feb. 28, 1907.

CERTIFICATE OF RECORD.

United States of America,
INDIAN TERRITORY,
Western District. } ss.

I, ROBERT P. HARRISON, Clerk of the United States Court in the Western District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the 20 *day of* June *1898* ~~190~~ *, at* — *M., and duly recorded in Book* G *, Marriage Record, Page* 36

WITNESS my hand and seal of said Court at Muskogee, in said Territory this 25 *day of* March *, A. D. 190*3

Clerk.

By L. Harlan *Deputy.*

CERTIFICATE OF TRUE COPY.

United States of America,
INDIAN TERRITORY,
WESTERN DISTRICT. } SS.

I, R. P. HARRISON, Clerk of the United States Court in the Western District, Indian Territory, and ex-officio Recorder of said District and Territory, do hereby certify that the instrument hereto attached is a full, true, and correct copy of a ~~Chattel Mortgage~~ Marriage License for record filed in my office on the 20 *day of* June *1898* ~~190~~ *, at* — *o'clock* — *M., and Renewal* ~~Affidavit filed~~ ~~190~~

WITNESS my hand and seal of said Court at Muskogee, in said Territory, this 25 *day of* March *A. D. 190*3

By L. Harlan *Deputy Clerk.* R. P. Harrison *Clerk and Ex-Officio Recorder.*

MARRIAGE LICENSE.

United States of America,
INDIAN TERRITORY,
Western District } ss.

No. 561

To Any Person Authorized by Law to Solemnize Marriage---Greeting:

You are Hereby Commanded to Solemnize the Rite and Publish the Banns of Matrimony between Mr. Charley Lynch Col of Vinita, in the Indian Territory, aged 37 years, and Miss Ara Hall Col, of Vinita, in the Indian Territory, aged 38 years, according to law, and do you officially sign and return this License to the parties therein named.

WITNESS my hand and official seal at Muskogee, Indian Territory, this 19th day of March, A. D. ~~190~~ 1898

Jas. A. Winston
Clerk of the U. S. Court.

By J. C. Anderson Deputy.

CERTIFICATE OF MARRIAGE.

United States of America,
INDIAN TERRITORY,
Western District. } ss.

I, L. M. Buffington Judge of the C. N., ~~a Minister of the Gospel~~, DO HEREBY CERTIFY, that on the 19 day of April, A. D. 1898, did duly and according to law as commanded in the foregoing License, solemnize the Rite and Publish the Banns of Matrimony between the parties therein named.

WITNESS my hand this 19th day of April, A. D. 1898.

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Western District.

Book ..... Page .....

L. M. Buffington Judge
~~a Minister of the Gospel~~.
Northern Judicial District
Cherokee Nation.

NOTE—This License and Certificate of Marriage must be returned to the office of the Clerk of the United States Court in the Western District, Indian Territory, from whence it was issued, within sixty days from the date thereof, or the party to whom the license was issued will be liable to the amount of One Hundred Dollars (penalty).

PHOENIX PRINT, MUSKOGEE

INDEXED

MAR 7 1903

Cherokee Land Office,
Vinita, I. T.,
March 6, 1903.

Requests that there be forwarded to Louis T. Brown, Vinita, copy of testimony in certain Cherokee case.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee F.R-70

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

Vinita, Indian Territory, March 6, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

Louis T. Brown of Vinita, Indian Territory, has applied to this office for a copy of the testimony in the matter of the application of Ary Lynch, et al., for enrollment as Cherokee Freedmen, Cherokee Freedman R-70. He states that he represents these applicants as attorney.

As the jacket and record in this application is in the office of the Commission at Muskogee, I have the honor to request that there be forwarded direct to him a copy of the testimony in this case.

Respectfully,

Clerk in Charge.

CRS

Cherokee F.S.-70

Muskogee, Indian Territory, March 10, 1903.

Louis T. Brown,

Vinita, Indian Territory.

Dear Sir:

The Commission is in receipt of a letter from the Clerk in Charge of the Cherokee Land Office at Vinita, I.T., requesting that there be forwarded to you one copy of the testimony in Cherokee Freedmen case F.-70, the application of Ary Lynch et al., for enrollment as Cherokee Freedmen. This testimony is accordingly herewith enclosed, together with a blank receipt for same, which you are requested to sign and return to the Commission.

Respectfully,

Chairman.

Enc. F-214

COMMISSIONER:
TAMS BIXBY
THOMAS B NEEDLES
R BRECKINRIDGE
WM O BEALL,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee [redacted]
S-274.

Muskogee, Indian Territory, August 1, [redacted].

Hastings, Bell & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes dated July [redacted], [redacted], rejecting the application for the enrollment of Louisa Mayfield, and granting the application for the enrollment of Emily B. and Amanda Lynch as Cherokee freedmen.

You will be allowed fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Encl. S-274.

Commissioner in Charge.

COPY.

Cherokee Freedmen

B-70.

Muskogee, Indian Territory, August 26, 1904.

Charles J. Lynch,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the Commission's decision, dated July 29, 1904, granting the application for the enrollment of Emily B. and Amanda Lynch, and rejecting the application for the enrollment of Louisa Mayfield as a Cherokee freedman. There has theretofore been furnished your agent, Louis T. Brown, Tahlequah, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

Encl. S-11.
Register.

COPY.

Cherokee Freedmen

R-70.

Muskogee, Indian Territory, August 26, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted record of proceedings had in the matter of the application for the enrollment of Emily B. Lynch, et als, including the Commission's decision granting the application for the enrollment of Emily B. and Amanda Lynch, and rejecting the application for the enrollment of Louisa Mayfield as Cherokee freedmen.

Respectfully,

SIGNED. Tams Bixby.
Chairman.

Encls. 8-13.

Through the

Commissioner of Indian Affairs.

COPY.

Cherokee Freedmen

R-70.

Muskogee, Indian Territory, August 26, 1904.

Louis T. Brown,

Agent for Emily B. Lynch, et al.,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the Commission's decision, dated July 29, 1904, granting the application for the enrollment of Emily B. and Amanda Lynch, and rejecting the application for the enrollment of Louisa Mayfield as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED. Tams Bixby.
Chairman.

Encl. S-12.
Register.

(C O P Y)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

Refer in reply to the following: WASHINGTON. September 10, 1904.

Land.
59074-1904

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated August 26, 1904, transmitting the record of the application for enrollment as Cherokee Freedmen of Emily B. and Amanda Lynch.

July 29, 1904, the Commission decided that Emily B. and Amanda Lynch were entitled to enrollment as Cherokee Freedmen, and rejected Louisa Mayfield transferred to this case.

The record shows that the applicants, Emily B. and Amanda Lynch , are the children born since 1880, to Charles J. Lynch, who is identified on the Cherokee authenticated roll of 1880.

The evidence further shows that Louisa Mayfield is the daughter of Charles J. Lynch's present wife, a non citizen, and one Thomas Mayfield , who has been denied enrollment.

In view of the record the approval of the Commission's decision favorable to Emily B. and Amanda Lynch, and adverse to Louisa Mayfield is recommended.

Very respectfully,

W. A. Jones,

Commissioner.

M.M.M.

W.

(C O P Y)

W.C.F.
WHR
J P.

DEPARTMENT OF THE INTERIOR,

D.C. 36484-1904. WASHINGTON?

I.T.D.-7392-1904.

September 16, 1904.

Commission to the Five Civilized Tribes.

Muskogee, Indian Territory.

Gentlemen:

August 26, 1904, you transmitted the record in the Cherokee freedman case of Emily B. Lynch, et al., including your decision of July 29, 1904, granting the application for the enrollment of Emily B. and Amanda Lynch, and rejecting the application of Louisa Mayfield.

The original application also included the names of Charles J. Lynch as an applicant for enrollment as a Cherokee freedman, and Ary Lynch, as an applicant for enrollment as a Cherokee freedman by intermarriage. You state that Charles J. Lynch is differently classified and that the status of Ary Lynch is not yet determined, therfore neither of said parties are included in this decision.

Reporting September 10, 1904, the Commisioner of Indian Affairs recommended that your decision be approved. A copy of his report is inclosed.

The Department concurs in said recommendation and your decision favorable to Emily B. and Amanda Lynch, and adverse

to the applicant, Louisa Mayfield, is affirmed.

Respectfully,

(Signed) Thos Ryan
Acting Secretary.

1 inclosure.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.
WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
R 70

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 6, 1904.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated July 29, 1904, granting the application for the enrollment of Emily B. and Amanda Lynch and rejecting the application for the enrollment of Louisa Mayfield, as Cherokee freedmen, was affirmed by the Secretary of the Interior on September 16, 1904.

Respectfully,

Chairman.

COPY.

Cherokee Freedmen
R 70

Muskogee, Indian Territory, October 6, 1904.

Ary Lynch,
Vinita, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated July 29, 1904, granting the application for the enrollment of your minor children, Emily B. and Amanda Lynch, and rejecting the application for the enrollment of your minor child, Louisa Mayfield, as Cherokee freedmen, was affirmed by the Secretary of the Interior on September 16, 1904.

Respectfully,

(SIGNED) Tams Bixby,
Chairman.

COPY.

Cherokee Freedmen
R 70

Muskogee, Indian Territory, October 6, 1904.

Louis T. Brown,
Attorney for Ary Lynch, et al.,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 29, 1904, granting the application for the enrollment of Emily B. and Amanda Lynch and rejecting the application for the enrollment of Louisa Mayfield, as Cherokee freedmen, was affirmed by the Secretary of the Interior on September 16, 1904.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Charles Preston

D-25 , et al.

Cherokee Freedmen

to the Ind. Territory, ctober 13.

D-[illegible], et al.

Muskogee, Indian Territory, October 13, 1905.

[illegible] Davenport,

[illegible]

Bell, Matthews & Davenport,

Attorneys for the Cherokee Nation,

[illegible], Indian Territory.

Gentlemen:

[illegible] f the decision of

[illegible], rendered [illegible] Civil and Criminal, dated October 13,

[illegible], reference [illegible] herewith a copy of the decision of

the Commissioner to the Five Civilized Tribes, dated October 13,

1905, [illegible] for Cherokee freed-

freedmen [illegible] by intermarriage of the Cherokee Nation in

the [illegible] of the Act of [illegible], 1902.

[illegible] transmitted to the Secretary

of the Interior for his action and decision. You will be advised

of the action of the Secretary of the Interior on this appeal.

Respectfully,

(Signed) Tams Bixby

Commissioner.

Encl. No.225

Muskogee, Indian Territory, October 13, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of September 13, 1905, (I.T.D. 2210, 7024-1905), there is herewith transmitted the record of proceedings had in the matter of the consolidated applications for enrollment as Cherokee Freedmen and as citizens by intermarriage of the Cherokee Nation, of Katie Ridge, et al., Cherokee Freedmen D 295, et al., including the decision of the Commissioner to the Five Civilized Tribes dated October 13, 1905, rejecting the applications of Laura Ridge, Ary Lynch, Dennis Hicks Sr., and Susie Hicks, as citizens by intermarriage of the Cherokee Nation, and of Katie Ridge, Cornelius Ridge, Pearl Ridge, Jesse Ridge and Myrtle Ridge, Phoebe (Milton) Johnson, Joseph Milton, Harry Milton, Herbert Milton, Serena Milton and Pearl Milton, Henry C. Ridge, Ida Jones, Lee Martin, Eddie Martin and Stella Martin, Cornelius Jones, Elnora Vann, Maud Riley, Jesse Barnett and John C. Riley, Rosa Vann and Josephine Vann, William

Townsend, Mollie Townsend, Rosa Townsend, George Townsend and Arthur Townsend, Bettie Hicks, Leroy Hicks, Dennis Hicks Jr., Delsma Hicks, Mabel Hicks and Elmer Hicks, Joshua Holt, Jane Holt, Laura Beeson, Ella Beeson, Jessie Holt, Willard Holt, Clifford Holt and Naucelia (Marcelia) Holt, Sallie Miller, Mary Johnson, Ruth Vann, Martha Chinnett and Lillie Chinnett, Frank Johnson and Luella Johnson, Eliza Hawkins and Tyndle E. Hawkins, Joseph Hicks, Otto A. Hicks, Katie Hicks, James A. Hicks, Frances Johnson, Nettie Johnson, Katie Johnson, Clarence Johnson and Wilda Johnson, Anna Butler, Esther Owen, Edward Bushyhead, Katie Davis, Moses Riley, Lillie Riley, Andrew Riley, Nathaniel Riley, Jesse Riley, Joseph Riley, Ollie Riley, Viola Riley, Mabel Riley, Minera Riley, Ideller Riley, Luther D. Riley, Frank Riley, Lottie Riley, Fannie Riley, James Riley, Ralph Riley, Arizona Riley, Inola Riley, Earl E. Riley, Clarence Riley, Jerry Riley, Samuel Riley, James E. Riley, Amanda Riley, Pariah Riley, Maggie Riley, Calvin Riley, Martha Riley, Ada Riley and Leona Riley, Fannie Scott, Charles Wesley Miller, Bessie Scott and Minnie Scott, Delilah Johnson, Allie Johnson, Lewan Johnson, Jesse Johnson, Alfred Johnson, Nola Johnson, Della Johnson, Nila Johnson, Harrison Johnson, Lottie

Johnson, Rebecca Johnson, Luford Johnson, Wilbert Johnson and Arch Johnson, Jane Riley, Daniel Thompson, Elick Ward, Amanda Ward, Henrietta Ward, Irvin Ward, Harry Ward, Roy Ward, Dan Ward, Effie Ward, Troy Ward, Jesse Ward and Maine Ward, Sandy Thompson, Ruth Riley, Lenora Odine Riley and Hannah Riley, Charles Landrum, Bettie McIntosh, William Riley, Carrie Gibson, Cora J. Wagoner and Oval Wagoner, Arthur Riley, Elizabeth Melton and Elnora Melton, Julius Curls, Riley Curls, Willie Curls, Edward Curls, James Curls, George Curls, Stephenia Curls and Beattrice Curls, Ophelia Thompson, Alpha Thompson, Libbie Thompson, Hirschel Thompson, Harvey Thompson, and Clyde Thompson, for enrollment as Cherokee Freedmen, and dismissing the applications for enrollment as Cherokee Freedmen of Ethel Townsend and Clarence Curls.

In connection with the finding of this office relative to the rights of Cornelius Ridge to enrollment as a Cherokee freedman, case No. D 536, the same being included in the consolidated case of Katie Ridge, et al., herewith transmitted, the attention of the Department is invited to the case of Enoch Daniels, et al., Cherokee Freedman No. 1429, formerly Cherokee Freedman D 219, wherein, in its de-

cision rendered on July 5, 1904, the Commission to the Five Civilized Tribes found, inter alia, that one Laura Daniels, nee Ridge, daughter of the said Cornelius Ridge, was entitled to enrollment as a Cherokee Freedman, said finding being concurred in by the Commissioner of Indian Affairs on September 24, 1904 (Land 57605-04), and affirmed by the Department on October 22, 1904 (I.T.D. 7724-04), and in conformity thereto said applicant's name was placed upon a schedule of Cherokee Freedmen forwarded to the Department on June 26, 1905, and she is now included in a partial roll of Cherokee freedmen approved by the Secretary of the Interior on July 27, 1905, opposite No. 3907.

The right of this applicant, Laura Daniels, nee Ridge, who was born since 1866, to enrollment as a Cherokee freedman was based upon the theory that her father the said Cornelius Ridge had "heretofore been enrolled by this Commission as a Cherokee freedman", which, as the consolidated case herewith transmitted indicates, was error.

It is, therefore, respectfully recommended that, if the Department affirms the decision of this office as to the rights of the said Cornelius Ridge to Cherokee freedman

citizenship, the case of Enoch Daniels, et al., Cherokee Freedman 1429, formerly Cherokee Freedman D 219, be reopened, and the decision therein, in so far as it grants to the said Laura Daniels, nee Ridge, the right to Cherokee Freedman citizenship, be reversed.

Respectfully,

Commissioner

Through the

Commissioner of Indian Affairs.

Incl. F 16.
LMB

COPY.

Freedmen
D-979 et al.

Muskogee, Indian Territory, October 13, 1906.

Louis T. Brown,
Attorney for Anna Butler, et al.
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 13, 1906, rejecting, among others, the applications for enrollment of Anna Butler, et al, as Cherokee freedmen. You have heretofore been furnished a copy of the record of proceedings in these cases.

The decision, together with the record of proceedings had in said cases, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

(SIGNED). Tams Bixby
Commissioner.

Incl R-4
Register.

Cherokee Freedmen

R-70.

COPY.

Muskogee, Indian Territory, October 13, 1905.

Ary Lynch,

Vinita, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 13, 1905, rejecting, among others, your application for enrollment as a citizen by intermarriage of the Cherokee Nation. There has heretofore been furnished your attorney, Louis T. Brown, Muskogee, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

(SIGNED).

Tams Bixby

Commissioner.

Incl. S-117
Register

--Copy--

LAND: DEPARTMENT OF THE INTERIOR, JFA
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

83807-01859-1905.
91821-01843-1905
91492-101897-1905

December 22, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated October 13, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Katie Ridge for herself; by Cornelius Ridge for himself and wife Laura Ridge (by intermarriage and his minor children, Pearl, Jesse, and Myrtle Ridge; by Phoebe Milton Johnson for herself and her minor children, Joseph, Percy, Herbert, Serena, and Pearl Milton; by Henry C. Ridge for himself; by Ida Jones for herself and her minor children, Lee, Eddie, Stella, and Cornelius Jones; by Charles J. Lynch for his wife, Amy Lynch (by intermarriage) by Walter Vann for his wife, Minnie Vann; by Maud Riley for herself and her minor children, Jesse Barnett and John C. Riley; by Rosa Vann for herself and her minor child, Josephine Vann; by William Townsend for himself; by Nellie Townsend for herself and her minor children, Rosa, George, Arthur, and Ethel Townsend; by Dennis Hicks for himself (by intermarriage) and wife Bettie Hicks and his minor children, Lorey, Dennis, Jr., Delsma, Enoch, and Elmer Hicks; by Joshua Holt for himself and wife,

Jane Holt and minor sto-children, Laura and Ella Dodson and minor children, Jessie, Willard, Clifford, and Kamoelia (Kamoelia) Holt; by Sallie Miller for herself; by Mary Johnson for herself; by Ruth Chimmett and for herself and her minor children, Marion, and Little Chimmett; by Frank Johnson for himself and his minor child, Lidia Johnson; by Eliza Hutkins for herself and her minor child, Lyndia R. Hutkins; by Joseph Hicks for himself and wife, Sugie Hicks (by intermarriage) and minor child, Otto A. Hicks; by Hattie Hicks for herself; by James A. Hicks for himself; by Frances Johnson for herself and her minor children, Hettie, Katie, Clarence, and Wilda Johnson; by Anna Butler for herself and her minor child, Esther Owen, and her adult brother, Howard Buckyhead; by Katie Davis for herself; by Moses Riley for himself and minor child, Lillie Riley; by Andrew Riley for himself and his minor child, Nathaniel Riley; by Jesse Riley for himself and his minor children, Joseph, Ollie, Viola, Enoch, Minora, Idoller, and Luther D. Riley; by Frank Riley for himself and his minor children, Lottie, Bennie, James, Ralph, Arizona, Clarence, Enola and Earl E. Riley; by Jerry Riley for himself and his minor children, Emmett, James E., Annie, Marion, Maggie, Calvin, Bertha, Ada and Lorna Riley; by Fannie Scott for herself and her minor children, Charles Wesley Miller, and Bessie, and Jimmie Scott; by Delilah Johnson for herself and her minor children, Allie, Lemon, Jesse, Alfred, Nola, Della, Ella and Harrison Johnson; by Lottie Johnson for herself and her minor children, Rebecca, Luford, Wilbert, and Arch Johnson; by Jane Riley for herself; by Daniel Thompson for himself; by Elsie Ward

for himself and wife, Amanda Ward, and his minor children, Irvin, Harry, Roy, Dan, Effie, Troy, Jesse, and Maime Ward; by Sandy Thompson for himself; by Ruth Riley for herself, and her minor child, Lenora Odine Riley; by Hannah Riley for herself; by Charles Landrum for himself; by Nettie McIntosh for herself; by William Riley for himself; by Carrie Gibson for herself; by Cora J. Wagoner for herself and her minor child, Oval Wagoner; by Arthur Riley for himself; by Elizabeth Melton for herself and her minor child, Elmora Melton; by Julius Curls for himself; by Riley Curls for himself and his minor children, Willie, Edward, James, George, Stephenia, Clarence, and Beatrice Curls; and by Ophelia Thompson for herself and her minor children, Alpha, Libbie, Herschel, Harvey, and Clyde Thompson.

October 15, 1906, the Commissioner decided adversely to all the applicants.

The record shows that the applicant, Katie Ridge, is the mother of the applicants, Cornelius Ridge, Phebe Johnson, Jesse Ridge, deceased, and Mary Ridge (later Nicks former wife of Dennis Nicks Sr.), deceased; that they were the slaves of Cherokee citizens at the beginning of the War of the Rebellion, were taken out of the Cherokee Nation, during the War, and did not return thereto on or before February 11, 1867; that the applicants, Laura Ridge, and Amy Lynch neither claim nor possess any rights to enrollment other than those obtained by marriage to the applicants, Cornelius Ridge and Jesse Ridge, deceased; that the applicants Dennis Nicks, Sr., and Susie Nicks neither claim nor possess

any rights to enrollment other than by virtue of their marriage to Nettie and Joseph Hicks; that the applicants, Nettie Hicks, Joshua Nelt and Sallie Miller (children of one Esther Nelt), and Anderson Johnson, deceased, Buck Bushyhead, deceased, and Nattie Downing, deceased, were the slaves of Cherokee citizens at the beginning of the War of the Rebellion; were taken out of the Cherokee Nation during the War, and did not return on or before February 11, 1867; that one Riley McNair and one Maria McNair, both deceased were the parents of the applicants, Moses, Andrew, Jesse, Frank and Jerry Riley, Fannie Scott, Delilah and Lottie Johnson, and of Millie McNair, deceased; that the said Riley, Maria, and Millie McNair, all deceased, and Moses, Andrew, Jesse, and Jerry Riley, Fannie Scott and Lottie Johnson, and Jane Riley, Daniel Thompson, Mack and Amanda Ward and Sandy Thompson and Ben Landrum, deceased, Harriman Johnson, deceased, and Columbus Rogers, deceased, were the slavesof Cherokee citizens at the beginning of the War of the Rebellion, were taken out of the Cherokee Nation during the war and did not return thereto on or before February 11, 1867; that all the other applicants were born since 1866, are descendants of the foregoing and possess no rights to enrollment except as such descendants, or have failed after ample opportunity afforded to establish such a right. None is identified on the 1880 authenticated Cherokee roll, or the Cherokee census roll of 1896, nor was an ancestor be so identified.

There is also enclosed a letter from the Commissioner to the Five Civilized Tribes transmitting a motion in behalf

of the applicants and three communications from S. P. Fogle enclosing motions in their behalf which have been carefully considered.

In view of the record the approval of the Commissioner's decision adverse to all the applicants is recommended.

Very respectfully,

C. F. Larrabee,

acting Commissioner.

MMK
6

(C O P Y)

D. C . 7968-1905
I.T.D. 7392-1904
1935-1906
L R S

DEPARTMENT OF THE INTERIOR

Y. P.
LLB

WASHINGTON,

February 23, 1906

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Referring to departmental letter of September 16, 1904, to the Commission to the Five Civilized Tribes, you are advised that a motion for rehearing has been filed in the Cherokee freedman case of Louisa Mayfield, consolidated with that of Emily B. Lynch et al.

Respectfully,

(Signed) THOS RYAN
First Assistant Secretary

D.C.13108 J.P.

DEPARTMENT OF THE INTERIOR, LLB

WASHINGTON.

I.T.D.7392-1904.
1935-1906.
5242-

April 5, 1906.

LRS

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Upon a motion of March 14, 1904, the Department directed a rehearing in the Cherokee freedman case of Thomas Mayfield.

In another motion for rehearing filed by the attorneys for Thomas Mayfield et al. February 17, 1906, it is requested that a rehearing be also directed as to Louisa Mayfield, alleged child of Thomas Mayfield. See decision of the Department of September 16, 1904, in the case of E. B. Lynch et al., in which the Department affirmed the decision of the Commission to the Five Civilized Tribes adverse to said child. As shown by the testimony in that case, Louisa Mayfield is the illegitimate child of Thomas Mayfield.

In view of the rehearing in his case, the decision of the Department, so far as it relates to Louisa Mayfield, is rescinded, and a rehearing is ordered as to her, the case to be consolidated with that of Thomas Mayfield.

Respectfully,

Thos. Ryan,

First Assistant Secretary.

Through the Commissioner

of Indian Affairs.

D.C.14123.

Vinita, Ind. Ter. April 6, 1906.

The Honorable,

The Secretary of the Interior,

Washington D. C.

Sir:

There is inclosed herewith a petition for the applicants in the matter of the application for the enrollment of Thomas Mayfield et al as Cherokee Freedmen, in which case a rehearing was ordered by the Department in Departmental letter of March 14, 1906 (D. C. 10279-1906; I.T.D 8639-8645, 1905; 1523, 2526-1906; 2830-1906)

This petition is supported by an affidavit of Charles Mayfield which shows his financial condition and the financial condition of the other applicants and shows that the principal applicant Thomas Mayfield is now dead leaving his widow with practically no estate.

The applicants are willing, if the government requires it, to pay the necessary board and travelling expenses of the Commissioner's law clerk and his stenographer while on the trip to Vinita from Muskogee and earnestly request that they be allowed to introduce all of their testimony showing that Thomas Mayfield and Charles Mayfield returned to the Cherokee Nation prior to February 11, 1903.

In as much as we are shut out from taking any testimony other than the testimony of the witnesses whose affidavits were filed in support of the motion for a new trial we believe that the situation warrants early action upon the petition by the Department.

Respectfully,

Bulger, Starr & Patten,

Attorneys for applicants.

J.F. Jr.

DEPARTMENT OF THE INTERIOR, LLB

D.C.14065.
I.T.D.3975-1906.

WASHINGTON.

L.R.S.

April 16, 1906.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

There is transmitted herewith for report and recommendation a communication from Bulger, Starr & Patten, attorneys at law, of Vinita, Ind. T., forwarding a petition from the applicants in the Cherokee freedman case of Thomas Mayfield et al., in which a rehearing was ordered by the Department on March 14, 1906.

In view of the alleged poverty of the applicants, you are requested to inform the Department if any objection exists to the holding of a hearing in this case at Vinita, Ind. T.

Respectfully,

Thos Ryan,
First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

2 inclosures.

COPY.

Cherokee
F R 541 et al.

Muskogee, Indian Territory, April 24, 1906.

Bulger, Starr & Patten,

Attorneys for Thomas Mayfield, et al.,

Vinita, Indian Territory.

Gentlemen:

This office is in receipt of Departmental letter of April 12, 1906, in reference to motion inclosed with your letter to the Department of April 6, 1906, for permission to introduce before the Commissioner to the Five Civilized Tribes in the Cherokee freedman enrollment case of Thomas Mayfield, et al., witnesses other than those whose affidavits were filed in support of a motion for rehearing in said case, which was granted by the Department on March 14, 1904. The Department directs this office as follows:

> "That further continuance in the case be had, and that upon the submission by the applicants of the names and addresses of the witnesses they propose to introduce, you fix another day for further hearing in the case, informing the attorneys for the Cherokee Nation thereof, and giving them the names and addresses of such witnesses proposed to be presented by the applicants."

In connection with the Cherokee freedman case of Charles Mayfield, et al., which case is consolidated with that of Thomas Mayfield, et al., you are advised that this office is in receipt of Departmental letter of April 5, 1906, stating that it was contemplated by the Department in its letter of

March 14, 1906, that the hearing ordered in the cases of Thomas Mayfield, Charles Mayfield, Malinda Martin, and Emma Blue should apply also as to the other claimants in the case of Charles Mayfield, viz., his wife, Maggie Mayfield and her minor children.

You are further advised that this office is in receipt of Departmental letter of April 5, 1906, wherein your motion filed February 17, 1906, for rehearing in the Cherokee freedman case of Louisa Mayfield is granted, and the Department's decision of September 16, 1904, affirming the decision of the Commission to the Five Civilized Tribes adverse to said applicant, is rescinded. A rehearing is ordered as to said Louisa Mayfield and the case be consolidated with that of Thomas Mayfiled, et al.

You are, therefore, hereby directed to notify this office at the earliest practicable date the names and addresses of any witnesses you propose to introduce in the above named cases and upon receipt of that information a day will be fixed for the further hearing of said case of which you will be duly notified.

The action of the Department in its letter of April 12, 1906, disposes of a motion filed by you on that date for a continuance in the case of Thomas Mayfield, et al.

Bulger, Starr & Patten--3.

For your information there are inclosed herewith copies of Departmental letters of April 12, and April 5, 1906, referred to.

Respectfully,

(SIGNED).

Acting Commissioner.

Incl. GL-33.

Cherokee
F R 541 et al.

COPY.

Muskogee, Indian Territory, April 24, 1906.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that this office is in receipt of Departmental letter of April 12, 1906, referring to the Cherokee freedman enrollment case of Thomas Mayfield, et al., wherein this office is directed as follows:

> "That further continuance in the case be had, and that upon the submission by the applicants of the names and addresses of the witnesses they propose to introduce, you fix another day for further hearing in the case, informing the attorneys for the Cherokee Nation thereof, and giving them the names and addresses of such witnesses proposed to be presented by the applicants."

This office is also in receipt of Departmental letter of April 5, 1906, in which it is stated that the Department contemplated that the rehearing ordered March 14, 1906, in the Cherokee freedman case of Thomas Mayfield, Charles Mayfield, Malinda Martin, and Emma Blue should apply also as to the other claimants in the case of Charles Mayfield, viz., his wife, Maggie Mayfield, and minor children of said Charles Mayfield.

The Department in a separate communication of April 5, 1906, grants a rehearing upon a motion filed February 17, 1906, by the same attorneys filing the motion in the Mayfield

case, which was granted March 14, 1906, in the Cherokee freedman case of Louisa Mayfield, alleged child of Thomas Mayfield, and rescinds its decision of September 16, 1904, affirming the decision of the Commission to the Five Civilized Tribes adverse to said Louisa Mayfield. A rehearing is ordered as to Louisa Mayfield, her case to be consolidated with that of Thomas Mayfield.

Pulger, Starr & Patten have this day been directed to notify this office of the names and addresses of any witnesses they propose to introduce in the above mentioned cases, and upon receipt of such information you will be advised thereof, and a day will be set for the further hearing of said cases, of which you will also be advised. The action of the Department in its letter of April 12, 1906, as above mentioned, disposes of a motion filed April 12, 1906, by said attorneys for a continuance in the Cherokee freedman case of Thomas Mayfield, et al.

For your information there are inclosed herewith copies of Departmental letters above mentioned.

Respectfully,

(SIGNED).

Wm. O. Beall

Acting Commissioner.

Incl. GL-34.
GHL

Cherokee Freedmen

R-t4l, et al.

Muskogee, Indian Territory, May 14, 1906.

Bulger, Starr & Patten,

Vinita, Indian Territory.

Gentlemen:

Referring to the conversation had with Mr. Starr on the 10th inst. relative to your withdrawing your petition to the Department that the Cherokee Freedmen enrollment cases of Thomas Mayfield, et al., be set for hearing at Vinita, Indian Territory, and that they be set for hearing at the general offices of the Commissioner at the earliest practicable date, you are requested to advise this office, by mail, that you are willing for your petition to be withdrawn, and that the cases be set for hearing at the general offices of the Commissioner at Muskogee, Indian Territory. Upon receipt of your reply, the cases will be set for hearing on May 24, 1906, at nine o'clock A. M., if no reasonable objection then appears.

Respectfully,

Acting Commissioner.

LS

STARR & PATTEN

ATTORNEYS AT LAW
Rooms 4,5 & 6 Leader Bldg.

Vinita, I. T. May 15, 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, I. T.

Dear Sir:

We are in receipt of your letter of May 14th relative to the Cherokee Freedman Enrollment Case R. 541, Etta, Thomas Mayfield et al. In as much as a number of our witnesses in Kansas are very aged, and if this matter is delayed we will not be able to secure their attendance, we therefore request that we be permitted to withdraw our petition to the Hon. Secretary of the Interior to have this case set for hearing at Vinita, I. T. for the reason that we have some valuable testimony that we cannot secure if this matter is delayed for any length of time, and in order to have an immediate hearing of this case we request that we be permitted to withdraw this Petition, and also request that this case be set for hearing at the general office of the Commissioner at Muskogee on May 24th 1906 at Nine o'clock, A.M. Please advise us if this is satisfactory and and also send us subpoenas for our witnesses according to the list we have furnished, it being understood that the witnesses are to be brought to Muskogee at the expense of the applicants.

We desire to advise you also, that the Firm of Bulger, Starr & Patten has been dissolved and that Mr. J. J. Bulger has withdrawn from the Firm and that the applicants will hereafter be represented by the Firm of Starr & Patten, a co-partnership composed of John C. Starr and Guy Patten of Vinita, I.T., doing business under the name of Starr & Patten.

Please advise us at the earliest date practicable if the May-

field case will be heard on May 24th, 1906, for the reason that our witnesses are scattered both in Kansas and in the Cherokee Nation and it will keep us busy getting them together if it is held then. We are very anxious to have this trial on May 24th, 1906.

Respectfully,

Starr & Patton,

Attorneys for Applicants.

P

REFER IN REPLY TO THE FOLLOWING

Cherokee freedmen
R. 70

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, May 17, 1906.

Louisa Mayfield,
Vinita, Indian Territory.

Dear Madam:

At the request of your attorneys, Starr and Patton, of Vinita, Indian Territory, the Cherokee freedmen enrollment case of Thomas Mayfield et al., with which was consolidated, your application for enrollment as a Cherokee freedman will be taken up for hearing at the general offices of the Commissioner at Muskogee, Indian Territory, at nine oclock A. M., on Thursday May 24, 1906.

Your attorneys have heretofore submitted to this office a list of witnesses and their addresses whose testimony it is proposed to introduce in your case, and your said attorneys have this day been notified that they will be permitted to appear on the above date and introduce the testimony of said witness.

The Cherokee Nation will also be permitted to appear on that day and introduce such testimony as it desires in rebuttal.

Respectfully,

W. O. Beall

Acting Commissioner.

WMP

Cherokee Freedmen
R. 541 et al.

Muskogee, Indian Territory, May 17, 1906.

Starr & Patten,
Vinita, Indian Territory.

Gentlemen:

This office is in receipt of your letter of May 15, 1906, requesting that your petition to the Secretary of the Interior to have the Cherokee freedmen enrollment case of Thomas Mayfield and others set for hearing at Vinita, Indian Territory, be withdrawn and that the cases be set for hearing at the general offices of the Commissioner at Muskogee, Indian Territory on May 24, 1906, at nine o'clock A. M.

In reply you are advised that there does not appear to be any objection to said cases being set for hearing at the date mentioned, and you are notified that

they will be taken up for hearing on that date at the general offices of the Commissioner at which time you will be permitted to appear and introduce the testimony of the witnesses whose names and addresses you have heretofore furnished this office.

The Cherokee Nation will also be permitted to appear on that date and introduce in rebuttal such testimony as it desires.

What you say about Mr. Bulger having withdrawn from your firm and the applicants in the case will be represented by the firm of Starr & Patton, has been noted.

Respectfully,

Acting Commissioner.

MKP

Cherokee Freedmen
R 541 et al.

Muskogee, Indian Territory, May 14, 1906

Bell, Hastings and Davenport,
Attorneys for Cherokee Nation.
Muskogee, Indian Territory.

Gentlemen:

Referring to this office's letter of April 24, 1906, you are advised that under date of May 8, 1906, Messers. Bulger, Starr & Patton, attorneys for the applicants in the consolidated cases of Thomas Mayfield, et al., applicants for enrollment as Cherokee freedmen, advised this office that they expected to introduce as witnesses, the following named persons:

1 James Gibson, Garnett, Kansas.
2 J. M. Johnston, " "
3 Judge William Springe, " "
4 Ligh Nidens, " "
5 Joe Hardesty, " "
6 Col. Newton, " "
7 James Hanyposher, Mount Ida, "
8 Mrs. Malinda Gibson, Kansas City, Missouri.
9 James Springe, Nashville, Kansas.
10 William Springer, Medicine Lodge, "
11 Newton Springe. Garnett "

12 L. S. Sanders,	Stilwell,	Indian	Territory.
13 A. H. Norwood,	Dewey,	"	"
14 Sarah Morgan,	Grove,	"	"
15 Mrs. Tawney Blythe,	Ketchum,	"	"
16 Cynthia Lynch,	Ketchum	"	"
17 George W. Clark,	Vinita,	"	"
18 Simon Lynch,	Chaffee,	"	"
19 Millie Fry,	Ketchum,	"	"
20 Charles Mayfield,	Chaffee,	"	"
21 Jackson Davis,	Adair,	"	"
22 Tobias Bean,	Ketchum,	"	"
23 Leander Bean,	Vinita,	"	"
24 Arthur Bean,	Ketchum,	"	"
25 Thomas H. Moore,	Ketchum,	"	"
26 Nelson Moore,	Ketchum	"	"
27 Daniel Sanders,	Centralia,	"	"
28 Reuben Sanders,	Centralia	"	"
29 Zeb Downing,	Catale,	"	"
30 Jennie Downing,	Catale,	"	"
31 Joe Davis,	Vinita,	"	"

Mr. Starr in a conversation had with this office on the 19th instant, agreed that the cases should be set

for hearing at the General Offices of the Commission at Muskogee, and you are advised that the same will be taken up for hearing at nine o'clock A. M. on Thursday, May 24, 1906, at which time the applicants will be permitted to introduce the testimony of the witnesses whose names are submitted and the Cherokee Nation will be permitted to introduce such testimony as it desires in rebuttal.

Your attention is called to the Department's letter of April 5, 1906 (I.T.D. 5242-06), rescinding its decision of September 16, 1904, affirming the decision of the Commission to the Five Civilized Tribes rejecting the application for the enrollment of Louisa Mayfield as a Cherokee freedman, a copy of which letter was forwarded you on April 24, 1906. The Department instructs that the case of Louisa Mayfield be consolidated with those of Thomas Mayfield, et al.

Respectfully,

Acting Commissioner

DMB

Cherokee P.R.
341 et al.

Muskogee, Indian Territory, May 22, 1906.

Bell Hastings & Davenport,
Attorneys for Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that this office is in receipt of a letter from Starr and Patton, Vinita Ind. Ter., dated May 18, 1906, giving notice that they will introduce the testimony of the following witnesses in the Cherokee Freedmen Enrollment case of Thomas Mayfield, et al on May 24, 1906: E. Springs, Matoon, Ill., Jas. Bean, Chaffee, I.T. Ter., and that Geo. A. Campbell will be recalled by them for further cross examination.

Respectfully,

Acting Commissioner.

LS

Muskogee, Indian Territory, May 23, 1906

The Honorable,

The Secretary of the Interior.

Sir:

This office is in receipt of Departmental letter of April 16, 1906 (I.T.D. 3978-1906), inclosing, for report and recommendation thereupon, a communication from Messrs. Bulger, Starr & Patten, of Vinita, Indian Territory, forwarding a petition on behalf of the applicants in the Cherokee freedmen case of Thomas Mayfield, et al., that the case be set for hearing at Vinita, Indian Territory. The Department requests, in view of the alleged poverty of the applicants, that this office advise if there is any objection to holding the hearing in this case at Vinita, as petitioned for.

In reply you are respectfully advised that on the 19th instant, Mr. J. C. Starr, a member of the law firm of Bulger, Starr & Patten, the attorneys who filed the petition, called at this office and upon being informed that, on account of the pressure of work, it was uncertain

as to just when a date could be fixed for a hearing of these cases should it be decided to set them for hearing at that place, he requested, in order that the matter might be expedited, that the petition for the hearing of the cases at Vinita, be withdrawn, and that they be set for hearing at the General Offices of the Commissioner at the earliest practicable date. He was requested to notify this office, in writing, of his desire, and in their letter of May 15, 1906, a copy of which is inclosed herewith, Messrs. Starr & Patten (successors to the firm of Bulger, Starr & Patten), confirmed the request of Mr. Starr that the petition be withdrawn, and asked that the cases be set for hearing at the General Offices of the Commissioner, May 24, 1906. They were advised that it did not appear that there would be any objection to this action on their part, and the cases were accordingly set for hearing and heard, at the General Offices of the Commissioner May 24, 1906. By agreement of the parties the cases were closed and submitted to the Commissioner for decision.

The Department, on April 13, 1906 (I.T.D. 4071-1906), at the request of attorneys for the applicants, directed that a further continuance be had in the case, and that upon submission by the applicants of the names and ad-

dresses of the witnesses they proposed to introduce, this office fix a day for a further hearing in the case, and to inform the attorneys for the Cherokee Nation of its action and give them the names and addresses of such witnesses proposed to be presented by the applicants. The attorneys for applicants did not submit to this office a list of the witnesses expected to be introduced until May 5, and because of a former conversation had with Mr. Starr in regard to the hearing of the case, this office's report has been deferred.

The petition referred to and the letter of the attorneys submitting the same to the Department, which were inclosed with the Department's letter of April 16, have been retained in the files of this office, and will be forwarded when the record of proceedings and the Commissioner's decision in these cases are transmitted to the Department.

Respectfully,

Through the
Commissioner of Indian Affairs.

Acting Commissioner

LMB
Incl. B 69

JWJr

LLB

DEPARTMENT OF THE INTERIOR,
Washington.

D.C.29336.
I.T.D.17884-1905.

July 9, 1906.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

On October 13, 1905, you transmitted the record, together with your decision of the same date, in the matter of the consolidated applications for enrollment as Cherokee freedmen of Katie Ridge et al. (Cherokee freedmen D. 295). Said decision was adverse to all the applicants.

Reporting December 22, 1905, the Indian Office concurs in your decision. A copy of its letter is inclosed.

The attorneys for the applicants have filed a number of motions and briefs in this case, and the attorney for the Cherokee Nation has filed his answer.

A consideration of these motions, together with the record, leads the Department to the opinion that the case should be remanded for a further hearing.

The Department considers that this consolidated case should be divided, and that if possible the division should divide this large family into groups according to the three places from which

it is alleged they returned to the Indian Territory, under article 9 of the treaty of 1866, being first those persons and their descendants who returned from the neighborhood of Joplin, Mo.; second, those who returned from near Fort Scott, Kans., and third, those who returned from Garnett, Kans.

Having divided this case along the lines indicated, you will permit the attorneys for the applicants and for the nation to submit such proper evidence as they may see fit regarding the rights of these applicants for enrollment as Cherokee freedmen.

The record is returned.

Respectfully,

(Signed) Thos Ryan
Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 inclosure.

Cherokee Freedman
R 70.

Muskogee, Indian Territory, August 3, 1906.

Ary Lynch,

Vinita, Indian Territory.

Dear Madam:

In connection with your Cherokee freedman case, you are advised that this office is in receipt of Departmental letter of July 9, 1906, remanding the same to this office for a rehearing. The Department directs that the consolidated case of Katie Ridge, et al, which includes your application, be divided according to the places from which it is alleged the applicants returned to the Indian Territory under the Treaty of 1866. You are advised that under this division the following cases will be consolidated.

D 636	William Townsend
D 295	Katie Ridge,
D 586	Cornelius Ridge, et al,
D 589	Phoebe Johnson, et al,
D 636	Henry C. Ridge,
D 647	Ida Jones, et al,
R 70	Ary Lynch,
R 113	Elnora Vann,
D 591	Maud Riley, et al,
D 594	Rosa Vann, et al,
D 631	Mollie Townsend, et al.

Your attorney, Edgar Smith, Muskogee, Indian Territory, has this day been advised of the Department's action, and of the consolidation of the above cases, and

also requested to advise this office at the earliest practicable date the names and addresses of all the witnesses it is proposed to introduce on behalf of applicants in this case. When this information is furnished, the Attorney for the Cherokee Nation will be advised thereof, and a date will be set for a hearing in the case, of which action all parties at interest will be advised.

Respectfully,

M.A.

Commissioner.

Cherokee Freedman
D 295 et al.

Muskogee, Indian Territory, August 3, 1906.

Edgar Smith,

Attorney for Katie Ridge, et al,

Muskogee, Indian Territory.

Dear Sir:

In connection with the Cherokee freedman enrollment cases of Katie Ridge, et al, you are advised that this office is in receipt of Departmental letter of July 9, remanding said cases to this office for rehearing. The Department directs that this consolidated case be divided according to the places from which it is alleged the applicants returned to the Indian Territory under the Treaty of 1866.

You are advised that in accordance with this division, the following cases will be consolidated:

D 295	Katie Ridge,
D 586	Cornelius Ridge, et al,
D 587	Phoebe Johnson, et al,
D 636	Henry C. Ridge,
D 647	Ida Jones, et al,
D 70	Ary Lynch,
D 113	Minerva Vann,
D 592	Maud Riley, et al,
D 594	Rosa Vann, et al,
D 651	Hollis Townsend, et al,
D 636	William Townsend,

The records of this office show that you are the attorney of record for all of the above named applicants except Henry C. Ridge, freedman D. 638, the attorney in whose case is shown to be Wade S. Stanfield of Vinita, Indian Territory. You are advised that before a date will be set for a hearing in this case, the applicants will be required to furnish this office with a list of the names and addresses of all the witnesses they propose to introduce in their behalf. Upon receipt of this information, the attorney for the Cherokee Nation will be notified thereof, and a date set for a hearing in the case, of which all parties at interest will be advised. Mr. Stanfield, has this day been advised of the Department's action, and of what will be required of the applicants, and before submitting the list of thenames and addresses of the witnesses it is suggested that you communicate with him and submit at one time a list of all of the witnesses expected to be introduced.

For your information there is enclosed herewith copy of Departmental letter referred to.

Respectfully,

M.A.

Commissioner.

Cherokee Freedmen
D 295 et al.

Muskogee, Indian Territory, August 3, 1906.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

In connection with the Cherokee freedmen consolidated cases of Katie Ridge, et al, you are advised that this office is in receipt of Departmental letter of July 9, remanding said cases to this office for rehearing.

In accordance with the Department's direction, the following cases will be consolidated:

D 295	Katie Ridge,
D 326	Cornelius Ridge, et al,
D 561	Phoebe Johnson, et al,
D 638	Henry S. Ridge,
D 647	Ida Jones, et al,
R 79	Ary Lynch,
R 113	Elmore Vann,
D 578	Hunt Riley, et al,
D 594	Rose Vann, et al,
D 652	Hollis Townsend, et al,
D 654	William Townsend.

The applicants in these cases, and their attorneys, have this day been advised of the Department's action and of the consolidation of these cases, and notified that before a date would be fixed for a hearing in the cases,

they will be required to furnish this office with a list of the names and addresses of the witnesses they propose to introduce in their behalf. Upon receipt of this information, you will be advised thereof, and a date will be set for a hearing in the cases, of which action all parties at interest willbe advised.

For your information there is enclosedherewith a copy of Departmental letter referred to.

Respectfully,

M.A.Encl. 2-2.

Commissioner.

Cherokee
y R 541 et al.

Muskogee, Indian Territory, August 29, 1906.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of supplemental testimony taken at Muskogee, Indian Territory, May 24 and 25, 1906, in the matter of the applications for the enrollment of Thomas Mayfield, et al., as Cherokee freedmen.

Respectfully,

Acting Commissioner.

Incl. 61-82.
GEL

Cherokee
y R 841 et al.

Muskogee, Indian Territory, August 29, 1906.

Starr & Patten,
Attorneys for Thomas Mayfield, et al.,
Vinita, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of supplemental testimony taken at Muskogee, Indian Territory, May 24 and 25, 1906, in the matter of the applications for the enrollment of Thomas Mayfield, et al., as Cherokee freedmen.

Respectfully,

Acting Commissioner.

Incl. SL-21.
GML

Cherokee Freedmen
R 70

Muskogee, Indian Territory, November 12, 1906.

Ary Lynch,
Vinita, Indian Territory.

Dear Madam:

In connection with your Cherokee freedmen case, you are advised that by agreement between your attorneys, Starr and Patten, Vinita, Indian Territory, and the attorney for the Cherokee Nation, you will be permitted to appear before the offices of the Commissioner on December 14, 1906, and introduce the testimony of the witnesses whose names and addresses your attorneys furnished this office November 5, 1906.

The Cherokee Nation will be permitted to appear on that date and introduce, in rebuttal, such testimony as it desires in your case.

Respectfully,

Commissioner.

MCP

Cherokee Freedmen
D 295

Muskogee, Indian Territory, November 12, 1906.

Starr & Patton,
Attorneys for Katie Ridge, et al.
Vinita, Indian Territory.

Gentlemen:

In compliance with the verbal agreement between you and the attorney for the Cherokee Nation, the Cherokee freedmen enrollment case of Katie Ridge, et al., will be set for hearing at Muskogee, Indian Territory, on December 14, 1906, at which time the applicants will be permitted to introduce the testimony of the witnesses whose names and addresses you furnished this office with your letter of November 8, 1906.

Respectfully,

Commissioner.

MCP

Cherokee Freedmen
D 295

Muskogee, Indian Territory, November 13, 1906

W. W. Hastings,
Attorneyfor Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

In compliance with the verbal agreement between you and Starr and Patten, attorneys for applicants in the Cherokee freedmen enrollment case of Katie Ridge, et al., you are advised that said attorneys have this day been notified that they will be permitted to appear before the offices of the Commissioner on December 14, 1906, and introduce the testimony of the witnesses whose names and addresses they furnished this office with their letter of November 8, 1906, a copy of which is enclosed herewith.

Respectfully,

Commissioner.

Incl.T-18
MCP

Muskogee, Indian Territory, February 28, 1907.

SPECIAL.

The Honorable,

The Secretary of the Interior.

Sir:

February 12, 1907, the Commissioner transmitted the record of proceedings had in the consolidated Cherokee freedman case of Sam Landrum et al., together with his decision of that date, adverse to the applicants. Said decision included the application of Thomas Mayfield, which was remanded to the Commissioner for rehearing and readjudication on March 14, 1906 (I.T.D.2830-06)

April 5, 1906 (I.T.D.1935, 5242-06), the Department remanded to the Commissioner the Cherokee freedman case of Louisa Mayfield, alleged child of Thomas Mayfield, with the direction that her case be consolidated with that of her alleged father. The case of Louisa Mayfield was consolidated with that of Thomas Mayfield in all the proceedings had in the case since it was remanded to the Commissioner, but through inadvertence the case of Louisa Mayfield was not adjudicated with that of Thomas Mayfield on February 19, 1907.

It is respectfully recommended that the Department pass upon the case of Louisa Mayfield when the case of her alleged

father is passed upon.

The case of Louisa Mayfield was originally consolidated with the case of Emily B. Lynch et al., a subject of Departmental decision of September 16, 1904 (I.T.D.7392-04).

Respectfully,

Commissioner.

Through the

Commissioner of Indian Affairs.

J.O.R.-L.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON.

Land.
21823-1907.

March 4, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit a communication from Commissioner Bixby, dated February 28, 1907, enclosing his recommendation in the case of Louisa Mayfield, alleged child of Thomas Mayfield.

The Commissioner recommends that the Department pass upon the case of Louisa Mayfield when the case of her alleged father, Thomas Mayfield, is passed on. The Officer concurs in the Commissioner's recommendation.

The record in the case of Thomas Mayfield, et al., was transmitted to the Department with Office letter of February 28, 1907, (Land 15976, 19109-1907.)

Very respectfully,

G. F. Larrabee,

Acting Commissioner.

E.W.M. - ML

D.C.13398-1907. (C O P Y) J.F.Jr.

DEPARTMENT OF THE INTERIOR, S.P.

WASHINGTON.

March 4, 1907.

I.T.D.8072-1907.

L.R.S.

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

On March 4, 1907 (Land 21941-07), the Indian Office transmitted your report, dated February 28, 1907, relative to proceedings had in the matter of the application for the enrolment of Laura (Katie) Ridge, et al., together with your decision of the same date rejecting the application.

The Indian Office concurs in your decision. A copy of its letter is inclosed.

The Department considers said decision correct and it is hereby affirmed.

In connection herewith you e all attention to one Laura Daniels, a party applicant in this case, who appears on a partial roll of Cherokee freedmen opposite No. 3907. You report that she was enrolled and that her enrolment was based on the theory that her father, Cornelius Ridge, who is denied enrolment in the present decision, had "heretofore been enrolled by the Commission as a Cherokee freedman". You state that this is an error and you

recommend that if the Department affirm your decision as to the rights of the said Cornelius Ridge to Cherokee citizenship that the case of Enoch Daniels, et al., be reopened and that the decision therein, in so far as it grants to the said Laura Daniels, nee Ridge, the right to Cherokee freedmenship, be reversed.

In accordance with your recommendation the Department rescinds its decision and reverses your decision in the case of Enoch Daniels in so far as said decisions apply to the enrolment of Laura Daniels, nee Ridge, and her name is canceled from the roll of Cherokee freedmen opposite No. 3907, as of this date.

Your office and the Indian Office are requested to make your records conform to this action.

The papers in the case, together with a carbon copy hereof, have been sent to the Indian Office.

Respectfully,

Jesse E. Wilson

Acting Secretary.

1 inc. and
2 to Ind. Of.

--Copy--

(C O P Y)

LAND
21941-1907

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

March 4, 1907.

The Honorable,
The Secretary of the Interior.

Sir:

There is forwarded herewith report of Commissioner Bixby, dated February 28, 1907, relative to applications for the enrollment of Laura Ridge, Ary Lynch, Dennis Hicks, Sr., Susie Hicks, Katie Ridge, Cornelius Ridge, Pearl Ridge, Jesse Ridge, Myrtle Ridge, Phoebe Johnson, Joseph Milton, Percy Milton, Herbert Milton, Serena Milton, Pearl Milton, Henry C. Ridge, Ida Jones, Lee Martin, Eddie Martin, Stella Martin, Cornelius Jones, Elmora Vann, Maud Riley, Jesse Barnett, John C. Riley, Rosa Vann, Josephine Vann, William Townsend, Bettie Hicks, Leroy Hicks, Dennis Hicks, Jr., Delana Hicks, Mabel Hicks, Elmer Hicks, Eliza Hawkins, Tyndle E. Hawkins, Joseph Hicks, Otto A. Hicks, Katie Hicks, James A. Hicks, Joshua Holt, Jane Holt, Laura Beeson, Ella Beeson, Jessie Holt, Willard Holt, Clifford Holt, Marcelia (Marcelia) Holt, Mary Johnson, Ruth Vann, Martha Chinnett, Lillie Chinnett, Frank Johnson, Luella Johnson, Frances Johnson, Nettie Johnson, Katie Johnson, Clarence Johnson and Wilda Johnson as Cherokee freedmen, together with the decision of the Commissioner of February 28, 1907, rejecting the applications.

The Office has examined the record in this case and finds the conclusions of the Commissioner to be correct, and recommends that his decision be approved.

In connection herewith the Commissioner invites attention to the case of Enoch Daniels, et al., applicants for enrollment as Cherokee freedmen, wherein the Department on October 22, 1904 (I.T.D.7724-1904), found that one Laura Daniels (nee Ridge), daughter of Cornelius Ridge, a party applicant herein, was entitled to enrollment as a Cherokee freedman and included in a partial roll of Cherokee freedmen approved by the Department on July 27, 1905, opposite No. 3907.

Mr. Bixby now reports that Laura Daniels was born since 1866 and that her right to enrollment was based on the theory that her father, Cornelius Ridge, who is denied enrollment by the present decision, had "heretofore been enrolled by the Commission as a Cherokee freedman."

This being an error, as indicated by the case herewith transmitted, the Commissioner now recommends that the Department reverse its decision in the case of Enoch Daniels, et al., so far as it relates to Laura Daniels, and that her name be stricken from the roll.

The Office concurs in this recommendation.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

AJS-EH

Cherokee Freedmen
R 70

Muskogee, Indian Territory, March 8, 1907

Starr & Patten,
Attorneys for Louisa Mayfield,
Vinita, Indian Territory.

Gentlemen:

In reply to your letter of February 22, 1907, asking to be advised as to what disposition will be made of the Cherokee freedman case of Louisa Mayfield, you are advised that on February 28, 1907, the Commissioner requested the Department to pass upon the case of said Louisa Mayfield at the time the case of her alleged father, Thomas Mayfield was passed upon.

Respectfully,

Commissioner

L M B

COPY

DEPARTMENT OF THE INTERIOR, LLB

WASHINGTON.

March 8, 1907.

I.T.D.8050-1907.

L.R.S.

Commissioner of Indian Affairs.

Sir:

The papers relative to the enrollment of Louisa Mayfield as a Cherokee freedman, received with your office letter of March 4, 1907 (Land 21823), are returned herewith to be filed with the other papers in the case.

Respectfully,

JESSE E. WILSON,

Assistant Secretary.

2 inclosures.

Cherokee F.
R 70

Muskogee, Indian Territory, March 15, 1907.

Ary Lynch,
Vinita, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior, March 4, 1907.

Respectfully,

SIGNED Tams Bixby.
Commissioner.

JMH

Cherokee F.
D-295 et al.

COPY

Muskogee, Indian Territory, March 15, 1907.

Starr & Patten,

Attorneys for Kate Ridge, et al.,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting the applications for the enrollment of Kate Ridge, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED Tams Bixby,
Commissioner.

Encl. M-6
JHK

Cherokee F.
D-295 et al.

COPY

Muskogee, Indian Territory, March 15, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 25, 1907, rejecting the applications for the enrollment of Katie Ridge, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED Tams Bixby.
Commissioner.

Encl.H-6
JMK

Muskogee, Indian Territory, May 28, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

The records in the possession of this office fail to show that any decisions have been rendered or action taken by the Department in the following cases in which the Commissioner rendered decisions adverse to the applicants and forwarded the records therein to the Department on the dates indicated, the date of the letter of transmittal being the same as the date of the decision:

Number.	Style of Case.	Date of Transmittal.
3908	Martha J. Fields, Applicant by Intermarriage	February 27, 1907.
4731	Christopher C. Lowther, Applicant by Intermarriage	February 28, 1907.
7082	John W. Bannon, Applicant by Intermarriage	February 26, 1907.
7523	Miles M. Jenkens, Applicant by Intermarriage	February 26, 1907.
D 1237	Adeline Mulkey, Applicant by Intermarriage	February 27, 1907.

Hon. Secretary of the Interior--2.

Number.	Style of Case.	Date of Transmittal.
D 2589 et al.	Permelia Watson et al., Applicants by Blood	February 28, 1907.
D 2825	Hellen M. Ridge, Applicant by Intermarriage	February 26, 1907.
N. B. 3513	Katie Johnson, Applicant by Blood	February 28, 1907.
MM 6 et al.	John W. Vaughn et al., Applicants by Blood.	February 26, 1907.
MM 66	Susie Rogers, Applicant by Blood	February 28, 1907.
MM 80	George Teague et al., Applicants by Blood	February 23, 1907.
MM 106	D. C. Bays, Applicant by Blood	February 28, 1907.
MM 153	Nancy M. Osburn et al., Applicants by Blood	February 27, 1907.
MM 169	Ada E. White, Applicant by Blood	February 26, 1907.
MM 172	Benjamin F. Welch et al., Applicants by Blood	February 28, 1907.
MM 21	Alexander Keys, Applicant as Freedman	February 28, 1907.
MM 47	Laura Washington, Applicant as Freedman	February 28, 1907.
F R 339 et al.	Katie Vann et al., Applicants as Freedmen	February 28, 1907.
F D 985 et al.	Thaddeus Hill et al., Applicants as Freedmen	March 22, 1904 (Decision dated March 5,1904)
F N B 245	Joe Vann, Applicant as Freedman	February 27, 1907.

On February 28, 1907, the Commissioner recommended to the Department that the case of Louisa Mayfield, an applicant for enrollment as a Cherokee Freedman be passed upon at the same time the case of her alleged father, Thomas Mayfield, through whom she claims her right to enrollment, was passed upon. The application for the enrollment of said Thomas Mayfield was included in the consolidated Cherokee freedmen case of Thomas Mayfield et al., in which case the Commissioner decided adverse to the applicants on February 12, 1907, his decision being forwarded to the Department on that date, and the same was approved by the Department on March 2, 1907 (I.T.D. 5980-1907). This office has not been advised of any action taken by the Department in the case of said Louisa Mayfield.

On February 28, 1907, the Commissioner transmitted a motion to reopen and reconsider the Cherokee enrollment case of Polly Johnson et al., and recommended that the same be denied. February 11, 1902 (I.T.D. 940-1902), the Department rejected the application of Polly Johnson et al., in accordance with the provisions of the Act of Congress of May 31, 1900 (31 Stats., 221). This office has not been advised of any action taken by the Department on said motion.

Hon. Secretary of the Interior--4.

It is respectfully requested that this office be advised, in order that its records may be complete, of the action taken by the Department on the above cases.

Respectfully,

Commissioner.

Through the Commissioner
of Indian Affairs.

S.W.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

I.T.
30565-1907.

June 7, 1907.

Commissioner to the Five Civilized Tribes,
Muskogee,
Indian Territory.

Sir:

The Office has received your letter of May 28, 1907, in which you say that the records in the possession of your office fail to show that any decisions have been rendered or action taken by the Department in cases enumerated by you, in which decisions had been rendered adverse to the applicants by you and forwarded to the Department on certain dates set out in your letter.

The Departmental letters covering all the matters mentioned by you are enclosed.

On March 8, 1907, the Office forwarded to the Secretary of the Interior papers transmitted by you relative to the enrollment of Louica Mayfield as a Cherokee freedman, suggesting that her case be disposed of in connection with the case of Thomas Mayfield, et al., which was then pending in the Department, but apparently the only action taken by the Department is indicated by its letter of March 9, 1907, returning

the papers concerning Louisa Mayfield to be filed with the papers in the Thomas Mayfield case. In other words, no final action was taken on the case of Louisa Mayfield.

It is hoped that the enclosures accompanying this letter will enable you to straighten up the records of your office concerning the cases about which you inquire.

Very respectfully,

(Signed) C. F. Larrabee,

Acting Commissioner.

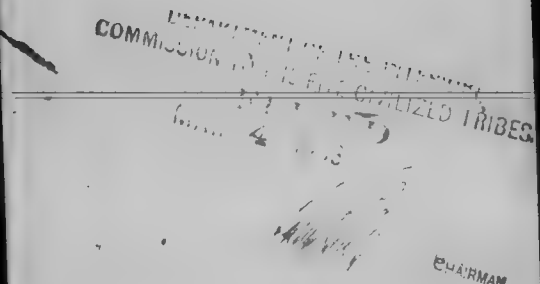
KSH-Y.

Muskogee, Indian Territory, March 10, 1903.

Received of the Commission to the Five Civilized Tribes one copy of testimony in the matter of the application for the enrollment of Ary Lynch et al., as Cherokee Freedmen, Cherokee Freedman # R-70.

Louis T. Browne

Attorney for Applicants.


COMMISSIONER
CHAIRMAN

Vinita I.T. 4/4/02

Received from the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of Charles J. Lynch

for enrollment as Cherokee Freedman *of the Cherokee Nation.*

Louis T. Brown

Cherokee No.

"D"

"R. 70

FILED
JUN 13 1901

COMMISSIONERS:
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BREECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chelsea, Indian Terri tory, June 13,1901.

Received of the Commission to the Five Civilized Tribes one copy of the original testimony in the case of ARY LYNCH, et al, for their enrollme nt as Freedmen citizens of the Cherokee Nation .

Agent for applicant.

Enc. R 70

Department of the Interior.
Commissioner to the Five Civilised Tribes,
MUSKOGEE, IND. TER.

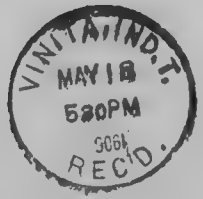
Return to Writer
UNCLAIMED

MUSKOGEE
MAY 18
2—AM
19 IND. T. 06

JUN 20
430PM
1906

Louisa Mayfield,
Vinita, Indian Territory.

8-21-70


VINITA, IND. T.
MAY 18
5:30PM
1906
REC'D.

R-70

ENROLLMENT REFUSED.

CHEROKEE FREEDMAN,

IN THE MATTER OF THE APPLICATION OF

Lucy Lynch, et al

FOR ENROLLMENT AS

CHEROKEE FREEDMEN

1. Original testimony May 6 '01
2. Mem. of application
3. Testimony from case of Louisa Mayfield
4. Receipt for original testimony
5. Supplementary testimony 6/24/01
6. Additional testimony Oct 31 1901.
7. Birth affidavit Amanda Lynch
8. FINDING as to No 3
9. ORDER as to all

SEP 16 1904

Rec'd testimony filed with Dec Cherokee Freedmen

Docket 77 Nos 2 & 4 Transferred to Cherokee Freedmen card No 1391

Cher Fr R 71

Cher Fr R 71

Department of the Interior.
Commission to the Five Civilized Tribes.
Ft. Gibson, I. T., April 30, 1901.

In the matter of the application of Hartwell H. Houston for the enrollment of himself and wife, Narcissus Houston, as citizens of the Cherokee Nation: he being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Hartwell H. Houston.
Q What is your age? A 67.
Q What is your postoffice address ? A Fort Smith, Arkansas, is my present postoffice address.
Q Where do you reside - do you reside in the State of Arkansas? A Yes, Yes, I am now.
Q You apply to be enrolled as a Cherokee citizen? A Yes sir.
Q Have you ever applied to be enrolled as a citizen of any other nation or tribe? A No sir.
Q Did you overdraw money from any other nation or tribe? A Yes sir.
Q What? Any tribe besides the Cherokees? A No sir, none of them.
Q Who do you want to enroll besides yourself? A I have got two children and wife.
Q What is the name of your wife? A Narcissus.
Q How old is she? A She's 58.
(Two children are found to be of age and will make application for themselves.)
Q Have you any minor children? A No sir.
Q Just yourself and wife? A ~~Yes sir~~. That is all.
Q Have you ever been recognized by the Cherokee authorities as a Cherokee Freedman? A No sir.
Q Or Cherokee citizen? A No sir.
Q Does your name appear upon any roll of the Cherokee Nation? A Not that I know of.
Q Were you a slave before the war? A No sir.
Q Where were you born? A I was born, they say, - that was a mistake in the other roll - in North Carolina I reckon.
Q Were you a slave? A No sir.
Q Always a free man? A Yes sir.
Q When did you first reside in the Cherokee Nation? A I was here in 1860, from - 1861.
Q In 1861? A Yes sir.
Q When did you leave in '61? A Yes sir.
Q Where did you go to? A Tennessee.
Q How long did you live in Tennessee? A I stayed in there until spring in '65, the first of '65, and then come back here and then went back again.
Q Went back again when? A In '63; I was in the Army.
Q Enlisted in the Army? A Yes sir.
Q When did you return to the Cherokee Nation after that? A Early in '66.
Q Have you been living in the Cherokee Nation continuously since 1866? A Pretty much so.
Q What do you mean by pretty much so? A What I mean by that, I had to go and have to go out of there; I was hurt in the Army, contracted disease; I can't do any labors except gunsmithing and silver-smithing; I have to go out and get work.
Q Where were you married? A Pine Bluff, Arkansas.
Q Was your wife a slave? A Yes sir.
Q When were you married? A I was married in '67, October, 31.
Q To whom did your wife belong? A She belonged to the Smiths.
Q Were they Cherokee citizens? A No sir, I don't think they were; I don't know.
Q Your wife then was a slave of the Smiths who lived in the State of Arkansas, is that it? A Yes sir.
Q That was in '61? A Yes sir.
Q Your wife never came to the Cherokee Nation until '67? A No sir, she didn't come then.
Q When did your wife come to the Cherokee Nation? A She came along in about '68 somewhere along there.
Q She has been living here continuously since that time?

A No sir, she goes with me.
Q She never was a recognized citizen of the Cherokee Nation? A No sir.
Q You say she has never been recognized as a Cherokee citizen? A Uh, no sir.

Examined by J. F. Faulds, Attorney for Applicant—
Q At the present time, have you any farm in the Cherokee Nation?
A I have.
Q Have you any stock? A Yes sir.
Q Cattle? A Yes sir.
Q Horses? A I got no horses; my horses are dead.
Q And you look after this farm? A Yes sir, I got a man hired on it today to look after it.
Q And these are in the Cherokee Nation? A Yes sir.
Q You say that you have made this Cherokee Nation your home? A Yes sir, I consider it my home.
Q Since '66? A Yes sir.
Q Now, to go back to '60, you were here in the Cherokee Nation?
A Yes sir.
Q What did you come here for? A I come here to get my land and make myself a citizen in the Nation.
Q You remember what time of the year you came here? A I think it was in May that I got here.
Q In 1860? A Yes sir.
Q And you remained here how long? A My best recollection is I remained here until along about the last of the next May, in '61. That is my recollection.
Q And then you went to Tennessee? A Yes sir, I went back there.
Q And joined the Army? A No sir, I come back here again.
Q And then you went back again? A Yes sir, and I went back again. I went back in the fall of '65, in September, I think, I went and joined the army in Tennessee.
Q When were you mustered out? A In January, 1866, I think. My discharge will show that.
Q You came to the Cherokee Nation? A I come to the Cherokee; I left there the first of June of that year and come right to this nation.
Q And got here when? A I got here in June in 1866.
Q Well, you never were a slave? A No sir, never was a slave. Now, as I tell you, I don't want any misunderstanding about that; free niggers in the south, that is a settled fact, they had to have a guardian and they were raised by them and I had to fear the paddle rule as well as any other slave, but still I was free.
Q You came here in '60 — was you under the control of anybody — did you come here by yourself? A When I got grown I took part of my time that way.

Examined by W. W. Hastings, Cherokee Representative—
Q About how old are you now? A I am 67 years old, or about it.
Q And you were a grown man when you came here in '60? A Yes sir, I was grown.
Q You had not married then? A Not when I first come I hadn't.
Q You never had been married before that time? A No sir.
Q You come out here in '60 here to get your land? A Yes sir.
Q You had some land here in 1860? A No sir, I didn't.
Q You was recognized as a citizen here then? A I weren't.
Q That was what you come for? A I come to look around and try to make a home out here.
Q You stayed here eight or ten months? A I stayed more from 1860 along in May, I think it was, until about May, 1861; that was something over a year.
Q Who did you live with? A With anybody that I went to I lived with. My guardian was a Mayo.
Q Where did he live? A He lived in Tennessee.
Q Who did you live with here in the Cherokee Nation during that year? A I didn't live with anyone at all; I hunted around; with one and another; I don't know the people, I don't see any of them here only George Vann, I seen him when I was here.

Q Who did you say you saw here in 1866? A I didn't see a soul here then.
Q Do you remember a man you saw? A I don't see any now.
Q Do you remember one you saw then, whether you see them here now or not, who did you live with? A I didn't live with anybody.
Q Who did you stay with? A Some time I would get to stay with a colored person; one and then another.
Q Name some of them that you stayed with? A I don't know whether I can think of any of the names. I don't know that I know a single one.
Q Near what town? A I was out here, out what they call Flint District; I come out in this way and come around the Illinois River and I come down in here at Webbers Falls and I went back; I strolled back across the river and went back through to Fort Smith.
Q You don't remember nobody you saw? A No sir, I don't; they was hunting and fishing and tramping around.

Commissioner-
Q Where do you live now? A Fort Smith.
Q How long have you lived there? A I lived there sinceenlast May.
Q Where did you live before that? A Chootaw Nation; South McAlester.
Q Where did you live before that? A Van Buren.
Q How long ago has that been? A About three years ago ; before maybe.
Q Where did you live before that? A I stayed in the Cherokee Nation, backwards and forwards; I stayed at George Vanns, and then I would go out and work out in the country.
Q What business were you in when you were here in the territory- what was your occupation? A I followed gun-smithing and jewelry-smithing.
Q Where did you live with your wife in the Cherokee Nation? A What little I stayed, I didn't live there, didn't put up any dwelling; I stayed with George Vann.
Q You actually did not live in the Cherokee Nation with your wife? A No sir.

Examined by J. F. Faulds,- Applicant's Attorney-
Q You say you kept your effects here in the Cherokee Nation ever since '66? A Yes sir.

Commissioner Needles-
Q What do you call your effects? A My stock.
Q You got a farm in the Cherokee Nation? A Yes sir.
Q Where? A At Cherokee Station.
Q How much? A About 25 acres in.
Q How long have you had that? A I have had it ever since 1866.
Q Did you ever live on it? A I have stayed on it.
Q Did you ever live there with your wife? A No sir, I hadn't this wife then; when I first got there I didn't have this wife.
Q Did you ever apply to the Cherokee authorities to be admitted as a Cherokee citizen? A Yes sir.
Q Did they admit you? A No sir.
Q Did you apply to the Dawes Commission in 1896? A Yes,sir.
Q Did they refuse you? A Yes sir, they rejected the claim; they didn't appeal it; they didn't let us know it.

J. F. Faulds, Attorney for Applicant-
Q You applied as a Cherokee citizen by blood at that time? A Yes sir.
Q What nationality are you? A Negro; I am a negro of course.
Q Was your father and mother negroes? A My mother was half Negro.
Q And half what? A Half Cherokee.
Q And your father? A My father was right smart Indian and had negro in him.
Q You claim to be a negro? A Of course, yes.

W. W. Hastings, Cherokee Representative-
Q How long have you known George W. Vann? A I have known him four years.

Q About how many years? A Long before the war, a good while before the war. I was a boy when I first saw him.
Q How many years before the war? A Well now, I can't tell you.
Q About how many? A I couldn't tell you; I was a boy; I gave you my age.
Q Where did you know him? A I knowed him in the State of Tennessee.
Q What year were you born? A In 1854.
Q Then you knew him when you were six or right years old? A Somewheres along there.
Q What was his father's name? A I don't know his father's name.
Q You never heard? A Yes sir, I heard him say.
Q What is his mother's name? Do you know? A Yes, I heard of her name; his mother was my aunt.
Q Did you know her name? A I know her name, Charlotte Brown.
Q You testified for George W. Vann when he made an application in 1896 - you made an affidavit? A Yes sir.

George W. Vann, being sworn and examined by Commissioner T.B. Needles, testified as follows:
Q What is your name? A George W. Vahn.
Q What is your age? A 87.
Q What is your postoffice?mA Bennge.

Examined by J. F. Faulds, Attorney for Applicant-
Q You know Hartwell H. Houston? A Yes sir.
Q Do you remember when you first saw him in the Cherokee Nation- about when? A No sir, not just exactly.
Q Was he here in '66? A He was here before '66. I seen him here at different times; three or four different times.
Q Well, has he got a farm and goods and chattels in the Cherokee Nation? A Yes, he owns part of a farm with me on Garrison Creek, which we had cleared up; he gave me the money and took a part in it on Cherokee switch.
Q You know how long he has had that farm? A We cleared it up, he didn't, he paid some money in it about '78 or '9 as near as I can get at it; I never kept a record of it.
Q You know where he has made his home since the close of the war? A Well, he has been at various places; sometimes I knowed him to have a gunshop at Webbers Falls, working there, and sometimes I knowed him at South McAlester there with a gunshop; sometimes I knowed him living in Arkansas down at Van Buren, fixing guns and cooks, and sometimes just here and there; this time he has a shop at Fort Smith, he fixes Clocks, watches, and guns.

By W. W. Hastings, Cherokee representative-
Q When did you first know this man? A Knowed him from a baby; he was born on the line of North Carolina, running up to Knoxville; I was born in Tennessee.
Q You knew him ever since? A Yes sir, of course I did.
Q Did you know him when he was eight or ten years of age? A Yes sir, and knowed him younger than that.
Q And fifteen years of age? A Yes sir.
Q Where was he living then? A His mother taken him somewhere; I think to Middle, Tennessee.
Q How do you know that? A Because I seen him; didn't Joe Vann live in East Tennessee right above Chattanooga.
Q When that boy was 15 years old? A I know when he was born; he was a baby I knowed him; he is a cousin of mine.
Q About when was he born? A He was born in North Carolina right over the line between North Carolina and Tennessee; I don't know exactly when he was born.
Q You know from the time he was born clear up to the present time? A From the time his mother had him, off and on; I haven't been with him all that time. He was a soldier.
Q Well, when did you first see him in this country? A I couldn't say; he was in this country thereer four times before '66, backwards and forwards.
Q The first time you ever saw him - he is your cousin? A I couldn't get down at that, I never thought any farther about it; it seems

the first time I saw him I was running a steamboat at Fort Smith fromthere down to Little Rock, and I found him there and had some talk with him.
Q About when was that? A I done said I just exactly can't remember the years.
Q About how long before the war was that? A Itmwas before the war.
Q About how many years before the war? A Well, I saw him before the war, then I saw him.
Q About how long? A You can't get that from me.
Q Five or six or ten years before the war? A Not more than three or four, just guessing at it; it is all guess.
Q Where was he living when you saw him at that time? A He wasn't living in this country; he wasn't living where I saw him.
Q I want to know where he was staying when you saw him in this country before the war - the first time in the Cherokee Natiof A That was just before the war; I think he come from Tennessee here, from Chattanooga, he was staying up there.
Q Where did he stop in the Cherokee Nation when you first saw him? A He come to my house and then he went to Fort Smith.
Q Where did you live at that time? A Right down here near old Miss Franklin's place, down on the river between that and Payne's in an old cottonwood house.
Q That was three or four years before the war to your best recollection? A No sir, it wasn't about that length of time; before that I stayed at Johnson's and I got to hire my time, and I got my wife and we would just go where we please, and when we built the house there, he come to my house and then he leftnand went to Fort Smith. I was on one side of the river, he was on the other.

Horace S. Norman, being sworn by Commissioner T. B. Needles, testified as follows:
Q What is your name? A Horace S. Norman.

Examined by J. F. Faulds, Attorney for Applicant-
Q What is your postoffice address? A Fort Gibson now.
Q How old are you? A About 45, I reckon.
Q Do you know Hartwell H. Houston? A Yes sir.
Q How long have you known him? A I couldn't tell exactly how long; its been a good long while though.
Q Since your earliest recollection? A Well, I don't know; not my earliest recollection, I don't suppose.
Q About what year did you first know him? A I couldn't tell exactly what year. I seen him its been a good while ago.
Q Were you a boy or a man when you first saw him? A Pretty good size, pretty near grown.
Q Twenty years ago? A More than that.
Q Thirty years ago? A I couldn't tell exactly; it has hardly been that long; I guess it has been may be that long.
Q Where was he then? A The first time I saw him I seen him on the bank of the river.
Q What river? A Arkansas River.
Q Cherokee Nation? A This side of Fort Smith, Cherokee Nation.
Q Did he have a farm, goods and chattels in the Cherokee Nation at the present time? A He has now; yes sir.
Q He has now? A Yes sir.
Q Where has he been - where has he lived? A He runs a gunsmith shop and clock work around in different places.
Q In the Cherokee Nation? A No sir, he don't run them in the Cherokee Nation.
Q He has a farm here? A Yes, he has a farm here.

Examined by W. W. Hastings, Cherokee representative-
Q Where did you first know him? A The first time was on this side of the river.
Q When? A I don't know exactly.
Q About when? A I reckon - I can't tell exactly what year it was. I reckon it might have been close to thirty years, I reckon; I was pretty near ——.

Q He has been living in Sequoyah ever since? A He has a place.
Q How long has he had the place? A I don't know, I have worked on it though.
Q How long did you work on it? A Several different times.
Q Tell us when you first worked on it? A It's been ten or twelve years ago.

By CommissionerNeedles-
Q Where do you live? A At Fort Smith.
Q How long have you lived there? A Got there last May from the Choctaw Nation.
Q How long have you lived in the Cherokee Nation? A This year at Webbers Falls; own a gunshop there on the Railroad.
Q Where is your wife? A She is in Fort Smith.
Q She has always lived in Fort Smith? A No sir, I maried her in Pine Bluff.
Q She never lived in the Cherkee Nation? A She don't live here; she don't live in Fort Smith.
Q Where do you live ? A I live inthe Cherokee Nation and the Choctaw Nation. I have owned some property in the Cherokee Nation; I never owned any in the Choctaw Nation; I have owned some property in Arkansas.

Note: The tribal rolls of the Cherokee Nation in the possession of the Commission have been examined and the names of Hartwell H. Houston, and his wife, Narcissus, cannot be identified thereon.

Hartwell H.Houston applies for the enrollment of himself and his wife. It appears from the records that he applied to be enrolled as a Cherokee citizen; he avers that he is free born, and never was a slave. Upon examination of the records of the Commission, it is found that on the 7th day of September, 1896, said HartwellH. Houston applied to be admitted as a Cherokee citizen by blood to the Dawes Commission under the provisions of the Act of Congress approved June 10, 1896, and his application was rejected and no appeal was taken. He now applies to be enrolled as a free colored person; his name does not appear upon any of the rolls of the Cherokee Nation, and never has been recognized by the Cherokee Nation as a citizen, and never has drawn any money as a Cherokee Freedman, and does not give satisfactory evidence as to his citizenship, consequently Hartwell H. Houston will be placed upon a doubtful card for further consideration by the Commission. The application for the enrollment of his wife will be denied, consequently the application for the enrollment of his wife, Narcissus Houston, will be rejected as to her.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 4th day of May, 1901.

Commissioner.

DEPARTMENT OF [illegible]

COMMISSIONER [illegible]

APPOINTMENT

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date .....

Post Office .....

District .....

1. Name ..... Age .....

Citizenship .....

Owner's name .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

2. Name of wife Nancy Houston Age 58

Citizenship .....

Owners name .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

Names of Children:

3. ..... Year ..... Page ..... No. ..... Dist. .....

4. ..... Year ..... Page ..... No. ..... Dist. .....

5. ..... Year ..... Page ..... No. ..... Dist. .....

6. ..... Year ..... Page ..... No. ..... Dist. .....

7. ..... Year ..... Page ..... No. ..... Dist. .....

8. ..... Year ..... Page ..... No. ..... Dist. .....

9. ..... Year ..... Page ..... No. ..... Dist. .....

10. ..... Year ..... Page ..... No. ..... Dist. .....

11. ..... Year ..... Page ..... No. ..... Dist. .....

12. ..... Year ..... Page ..... No. ..... Dist. .....

Application made by ..... Stenographer .....

Rejected

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Hartwell H. Houston et al., as Cherokee freedmen, consolidating the applications of:

Hartwell H. Houston	Cherokee Freedmen D 188
Narcissa Houston	Cherokee Freedmen R 71

D E C I S I O N.

The record in this case shows that on April 30, 1901, Hartwell H. Houston appeared before the Commission at Fort Gibson, Indian Territory, and made application for the enrollment of himself and his wife, Narcissa Houston, as Cherokee freedmen.

The evidence shows that Hartwell H. and Narcissa Houston were not the slaves of a Cherokee citizen nor free colored persons, residing in the Cherokee Nation at the commencement of the rebellion. Neither of the applicants can be identified on the Cherokee authenticated roll of 1880.

It is, therefore, the opinion of this Commission that the application for the enrollment of Hartwell H. Houston and Narcissa Houston as Cherokee freedmen should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this APR 20 1904

COPY.

Cherokee Freedmen.
D-158 & D-71.

Muskogee, Indian Territory, May 4, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Hartwell H. Houston et al., including the Commission's decision, dated April 20, 1904, rejecting the application for the enrollment of Hartwell H. Houston and Narcissa Houston as Cherokee freedmen.

Respectfully,

Chairman.

Through the
Commissioner of Indian Affairs.

Enc. D-158.

BIXBY.

Cherokee Freedmen
D-186 & R-71.

Muskogee, Indian Territory, May 4, 1904.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:-

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, in the consolidated case of Hartwell H. Houston et al., rejecting the application for the enrollment of Hartwell H. Houston and Narcissa Houston as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.

Chairman.

Enc. D-187.

Cherokee Freedman
D-188 & R-71.

Muskogee, Indian Territory, May 4, 1904.

Hartwell H. Houston,
2017 North 13th St.,
Fort Smith, Arkansas.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself and your wife, Narcissa Houston, together with a copy of the Commission's decision, dated April 20, 1904, rejecting your said application.

The decision, with the record of proceedings had in the cause, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.
Chairman.

Register.

Enc. R-186.

Land 30618-1904. 3 encl. Copy.

Department of the Interior,
Office of Indian Affairs,
Washington, May 17, 1904.

The Honorable,
The Secretary of the Interior.

Sir:

I have the honor to enclose herewith a report from the Commission to the Five Civilized Tribes, dated May 4, 1904, transmitting the record of the application of Hartwell H. Houston for enrollment of himself and Narcissa Houston, his wife, as Cherokee freedmen.

April 20, 1904, the Commission found that the claimants were not entitled to enrollment. The evidence shows that Hartwell H. Houston and Narcissa Houston, his wife, were not the slaves of Cherokee citizens nor free colored persons residing in the Cherokee Nation at the commencement of the war of the rebellion. Neither of the applicants can be identified on the Cherokee authenticated roll of 1880.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

A. C. Tonner,
Acting Commissioner.

M.M.K.
C/

D.C.17592)1904. JP FHR

De artment of the Interior,

I.T.D. 4048-1904. Washington. May 23, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

May 4, 1904, you transmitted the record in the consolidated Cherokee freedman case of Hartwell H. Houston, et al., including your decision of April 20, 1904, rejecting the applications of Hartwell H. Houston and Narcissa Houston.

Reporting in the matter May 17, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

Thos Ryan,

Acting Secretary.

1 inclosure.

Cherokee Freedmen
D-188 & R-71.

Muskogee, Indian Territory, June 1, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated April 20, 1904, rejecting the application for the enrollment of Hartwell H. and Narcissa Houston as Cherokee freedmen, was affirmed by the Secretary of the Interior on May 23, 1904.

Respectfully,

Chairman.

Cherokee Freedmen
D-188 & R-71.

Muskogee, Indian Territory, June 1, 1904.

Hartwell H. Houston,

2017, North 12th Street,

Fort Smith, Arkansas.

Dear Sir:

You are hereby advised that the Commission's decision dated April 20, 1904, rejecting your application for the enrollment of yourself and wife, Narcissa Houston, as Cherokee freedmen, was affirmed by the Secretary of the Interior on May 25, 1904.

Respectfully,

Chairman.

COPY

Cherokee Freedmen

R-71.

Muskogee, Indian Territory, February 10, 1905.

Neal & London,

Fort Smith, Arkansas.

Gentlemen:

The Commission is in receipt of your letter of February 4, asking to be advised as to the status of the applications for the enrollment of Hartwell H. and Narcissa Houston as Cherokee freedmen.

In reply you are advised that the Commission's decision dated April 20, 1904, rejecting the applications for the enrollment of the parties referred to as Cherokee freedmen, was affirmed by the Secretary of the Interior on May 23, 1904.

Respectfully,

(SIGNED) Tams Bixby.

Chairman.

CHEROKEE FREEDMAN

ENROLLMENT REFUSED.

K71

Decision

IN THE MATTER OF THE APPLICATION OF

Narcissa [illegible]

FOR ENROLLMENT AS

CHE[illegible]EN

A Original testimony Apr. 30. 04

B Mem. of application " "

REFUSED

ACTION APPROVED BY SECRETARY OF INTERIOR

MAY 23 1904

Apr 30 04

See Cherokee Freedman

Jacket D[illegible]307

Cher Fr R 72

Cher Fr R 72

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., MAY 10th, 1901.

In the matter of the application of Amanda Masir for the enrollment of herself, her husband and one child as Cherokee Freedmen; said Masir being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name? A Amanda Masir.
Q You apply then for yourself, husband and one minor child?
A Yes, sir.
Q How old are you? A 46 years old.
Q What is your post office? A Vinita.
Q In what district do you live? A Cooweescoowee.
Q How long have you lived in the Cherokee Nation? A Pretty much all my life.
Q Are you a recognized Freedman of the Cherokee Nation? A I ought to be, yes, sir.
Q Are you on the roll of 1880? A I don't know, sir, if my mother and father wasn't on there, I don't know as I would be.
Q Where were you born? A Saline District.
Q Were you a slave in old times? A Yes, sir.
Q Whom did you belong to? A Paulina Landrum.
Q She was a recognized citizen of the Cherokee Nation, was she?
A Yes, sir.
Q And where did you live when she owned you? A On grand river, as well as I can remember.
Q Give me the name of your father? A Rector Landrum.
Q He is dead is he? A Yes, sir.
Q Did he die in the state of Kansas? A Yes, sir.
Q About six years ago? A Yes, sir.
Q Give me the name of your mother? A Polly Landrum.
Q She is alive now? A Yes, sir.
Q That was your mother who applied a little while ago? A Yes, sir.
Q How many times have you been married? A I have been married twice.
Q Did your father claim to be a Freedman? A Yes, sir.
Q Your mother is a colored woman? A Yes, sir.
Q Give me the name of your first husband? A Bolivar Watkins.
Q Was he a colored man? A Yes, sir.
Q Was he a Cherokee Freedman? A No, sir.
Q Is he dead? A Yes, sir.
Q When did you marry him? A I don't know.
Q About how old were you when you married him? A About 14 years I guess.
Q You married him before 1880, 32 years ago? (No response.)
Q When did he die, about how long ago? A Been dead about 19 years.
Q Did you and he live together until he died? A Yes, sir.
Q And after his death you married a second time? A Yes, sir.
Q Give me the name of your second husband? A Henry Masir.
Q You stated I believe that he is a colored man? A Yes, sir.
Q And is from the States, is that right? A Yes, sir.
Q How old is he now? A He is 55.
Q How long since you and he married? A 16 years.
Q Was he ever married except to you? A Yes, sir.
Q How many times? A Once.
Q Was that wife dead when he married you? A No, sir.
Q Had he ever been divorced from her? A Yes, sir.
Q Have you a copy of the decree of divorce? A No, sir.
Q Did this Henry Masir get out a Cherokee license when he married you? A Yes, sir.
Q Have you a copy of that license? A No, sir.
Q Where did he get his license? A Up at Coffeyville.
Q Well, he would not get a Cherokee license in Coffeyville; he would get a United States license; he got his license in Coffeyville, Kansas, did he? A Yes, sir.

Q He didn't get what is called a Cherokee license; because there he would get a Kansas license; you married him as I understand now under Kansas law? A That is where we got the license.
Q In Kansas and were married in Kansas; is that right? A Married in Coffeyville.
Q Coffeyville is in Kansas? A Yes, sir.
Q And then you were married in Coffeyville, Kansas? A Yes, sir.
Q And that is where your husband got the license? A Yes, sir.
Q Now, give me the name of this child for whom you apply?
A Mattie Eva Masir.
Q How old is the child? A 13 years.
Q That child is living now is she? A Yes, sir.
Q You haven't a certificate of your marriage to this husband?
A No, sir.
Q Is there someone here who knows that you and he are living together as husband and wife? A My mother knows.
Q Where is your mother? A She is out here somewheres.

POLLY LANDRUM, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give your name here, please? A Polly Landrum.
Q What is your post office? A Vinita.
Q Are you the mother of this applicant here? A Yes, sir.
Q She is married is she? A Yes, sir.
Q What is her husband's name? A Masir.
Q Henry Masir? A Yes, sir.
Q She was married once before wasn't she? A Yes, sir.
Q What was the name of her husband? A Watkins.
Q Bolivar Watkins? A Yes, sir.
Q She has never been married but these two times? A No, sir.
Q And she a Henry Masir are living together as husband and wife now, are they? A Yes, sir.
Q And how long since she and Henry Masir were married, as near as you can come to it? A About 13 years I guess.
Q Somewhere along there? A Yes, sir.

AMANDA MASIR, the Applicant, re-called, further testified:

Q You don't know whether you were enrolled in 1880? A No, sir.

The 1880 Authenticated Roll of freedmen of the Cherokee Nation examined and applicant's name not found thereon.
The 1896 Census Roll of citizens of the Cherokee Nation examined and applicant's name not found thereon.
The Kerns-Clifton roll of Freedmen of the Cherokee Nation examined and applicants' names not found thereon.

Q Did you draw strip money? A No, sir.
Q Now, can you explain why it is that you are not on any of the rolls? A No, sir; I can't, I was up to enroll at the Wallace Court.
Q You think you are on the Wallace Roll? A Yes, sir.
Q How did you give in your name when you applied he he put on the Wallace Roll, as Masir? A Yes, sir.

The Wallace Roll of Freedmen of the Cherokee Nation examined and the names of applicants not found thereon.

Q Did you go with your father and mother up into Kansas during the war between the North and South? A Yes, sir.
Q When did you come back to the Cherokee Nation after the war?
Q I come back with my mother in '66.
Q Your father didn't come with you? A No, sir.
Q Where did you go when you came back in 1866? A I don't remember where.
Q You were too young to remember yourself? A Yes, sir.

Q Well, did you go back up into Kansas pretty soon after that and join your father again? A Yes, sir.
Q Where are you living at this time? A Here in Vinita.
Q How long have you been living at Vinita? A I have been here in Vinita back and forth for the last ten or twelve years.
Q You saw back and forth? A Yes, sir.
Q Where were you when you were not in Vinita? A I would be in Scott.
Q Where is Scott? A Fort Scott, Kansas.
Q Any other place? A Yes, sir, here in Parsons.
Q What is your husband's business? A Just anything he can get to do; just daily labor.
Q He is just a working man? A Yes, sir.
Q Where is he working at this time? A I don't know as he is working anywheres.
Q Where is he at this time? A He is up here at Coffeyville.
Q Has he ever been with you down here to Vinita? A Yes, sir.
Q Has he ever made much of a stay down here? A No, sir, not much.
A Do you keep house? A Not very much, sometheres I do and sometimes I don't; I work out most of the time.
Q Have you done any housekeeping for the last 25 or 30 years?
A Yes, sir.
Q Have you ever kep house here in Vinita? A No, sir; just stay with relatives.
Q Where you kept house, where has it been, up at Fort Scott and places like that? A Yes, sir.
Q Your husband himself is a citizen of Kansas? A He is a state raised man.
Q Doesn't he claim to be a citizen of Kansas? A No, sir, he claims to be a citizen of the Territory, wherever I does.
Q Doesn't he vote in Kansas? A I don't think he does at all, no, I know he don't.
Q Where did you marry your first husband? A Married him in Fort Scott.
Q How many children have you got altogether? A Six.
Q Where were they born? A Born up in Kansas.
Q All six of them? A No, this youngest one was born here.
Q The five older ones were born in Kansas? A Yes, sir.
Q You say that after your return to the Cherokee Nation you went pretty soon back up to Kansas where your father was? A Yes, sir.
Q How old were you before you came to the Cherokee Nation again?
A I don't know how old I was.
Q Did you come to the Cherokee to make any stay before you were married the first time? A Yes, sir.
Q How much were you back in the Cherokee Nation? A I don't know.
Q Were you back as much as a year? A Yes, sir, more than that I guess.
Q You think to put that all together it would be more than a year?
A Yes, sir.
Q You married your first husband, Watking, in Kansas; did he live in Kansas all his life? A No, sir.
Q Where did he live at least all his life after he married you?
A No, sir.
Q Where did he live? A He was down here and in Colorado.
Q Different places? A Yes, sir.
Q Well, where were you during the time you were married to your husband, Watkins? A I was in Kansas, in Fort Scott.
Q How long after the death of Watkins was it before you married your present husband, about three years? A Yes, sir, in the neighborhood of three years.
Q From the time your husband, Watkins, died up the time you married your husband, Masir; did you stay with your father in Kansas?
A No, sir.
Q Where did you stay during that time you were a widow? A Down here, just back and forth.
Q You then married Masir up in Kansas? A Yes, sir.

Q Then how long after you married Masir was it ~~x~~ until you came back to the Cherokee Nation? A I don't know, I guess maybe two years, maybe not so long.
Q Now, how much of your time, put it altogether, do you suppose, you have spent in the Cherokee Nation since you married Masir?
A More than half of my time.
Q How much of Masir's time has he spent? A He has not spent much of his time; he goes where he can get work to do.

BY L. B. BELL, Cherokee Representative:

Q where did you say you were living in 1880; you made a statement about it a while ago and I didn't catch it? A In 1880?
Q Yes. A I don't know as I said anything about 1880.
Q You said you were living just below Coffeyville? A Yes, sir/ I was with Duncan's folks, Joe Duncan's.
Q How far from Coffeyville? A About ten or 15 miles.
Q Who were you living with? A Joe Duncan's folks.
Q Now, how long did you live there? A Well, I don't know just how long.
Q Well, did you live there a week? A Yes, sir.
Q About three, four, six years, or something; lets get at it?
A About a year, or two years.
Q Don't you recollect any nearer than that? A About a year and six months I guess.
Q Who is Joe Duncan? A Joe Duncan is all I know.
Q Is he Indian, white man or what? A Colored man.
Q Has he got any family alive? A I guess he has.
Q Did he have a wife? A Yes, sir.
Q What was her name? A Lizzie.
Q Ten or 15 miles from Coffeyville? A Yes, sir.
Q What direction? A South.
Q In the Cherokee Nation? A Yes, sir.
Q On the Verdigris river? A I think that is the name of the river.

COM'R ~~BRECKINRIDGE~~:--The applicant applies for the enrollment of herself, her husband and one child: She states that she was born in the Cherokee Nation and has lived in the Cherokee Nation off and on all her life, and that she was a slave in the Cherokee Nation at the beginning of the Civil War. It appears from the testimony that the applicant was carried to Kansas during the Civil War. She claims to have been brought back to the Cherokee Nation in 1866, and states that in a short time thereafter she was taken back to the State of Kansas. She there continued to live and married, and there her five older children, who have now reached their majority, were born. And it appears that the applicant, who is not 46 years of age, didn't return to the Cherokee Nation until after the death of her first husband, which she states occurred some 19 years ago. She was then 27 years of age and her stay in the Cherokee Nation since that time is shown to have been of a very irregular character, she having, since the death of her first husband, married again in Kansas. She is not identified on the roll of 1880, or the Census roll of 1896, or the Wallace Roll, or the Kerns-Clifton roll, and she cannot indicate any roll that she is on. Under these conditions the applicant is not considered entitled to enrollment and the applicant for her enrollment is rejected.

As for her husband. He is shown to be a State man and no claim is made that he possesses Cherokee Freedman rights of himself. He is a colored man and was married to his wife in Kansas and under Kansas law, as stated by her, and he is not upon any roll of the Cherokee Nation. Under the conditions stated he is not considered entitled to enrollment and the application for him is rejected.

The applicant's child, Mattie H. Nasir, said to be 13 years of age and living at this time, is not identified upon any roll in the possession of the Commission, and the child cannot possess rights not possessed by either its father or mother. Under the conditions stated, and the application for the enrollment of this child is listed for rejection. All of these applicants will be listed as Cherokee Freedmen in the manner indicated.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Rosson

Subscribed and sworn to before me this 11th day of May, 1901.

M D Green

Commissioner.

E J B. 72

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
[illegible] 1901

[illegible] CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date May 10- 1901.

Post Office Vinita I.T.

District Coo

1. Name Henry Masir. Age 55 Citizenship Stalicherk.

Owner's name

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

2. Name of wife Amanda Masir Age 46 Citizenship Cherokee.

Owner's name Pauline Lansum

Year Page No. District

Parents:

Father Hector Landrum d. Citizenship Col.

Mother Polly " a. Citizenship "

Names of Children:

3. Mattie E. Masir Year Page No. Dist. age 13 yrs-

4. Year Page No. Dist.

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by (2) Amanda Masir Stenographer Jno. Rogers

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Amanda Masir, et al., as Cherokee freedmen, consolidating the applications of:

Amanda Masir et al.,	Cherokee Freedmen R 72.
Frank Watkins,	Cherokee Freedmen R 75.

D E C I S I O N.

THE RECORD IN THIS CASE SHOWS: that applications for enrollment as Cherokee freedmen were made to this Commission by Amanda Masir for herself, her husband, Henry Masir (by intermarriage), and minor child, Mattie Eva Masir; and by Frank Watkins for himself. As the application for the enrollment of the said Henry Masir has been heretofore disposed of, his right to enrollment as a citizen by intermarriage of the Cherokee Nation will not be considered in this decision.

THE EVIDENCE HEREIN SHOWS: That Amanda Masir was the slave of a Cherokee citizen at the commencement of the rebellion and was removed from the Cherokee Nation during said rebellion, but returned thereto within the time specified in the decree of the Court of Claims rendered on February 2, 1896, in the case of Moses Whitmire, trustee, etc., versus the Cherokee Nation et al., for the return of freedmen to said Nation. It is further shown that her daughter, Mattie Eva Masir, was born since 1866, and derives whatever right she may have to enrollment, through her said mother. The evidence further shows that Amanda Masir, since her return to the Cherokee Nation as hereinbefore shown, has lived the greater portion of the intervening time in the state of Kansas and has forfeited her citizenship theretofore acquired in said Nation.

The evidence further shows that Frank Watkins is the adult son of the said Amanda Nasir, by a former husband; that he was born in Kansas subsequent to 1866, and removed to the Cherokee Nation when he was fifteen years of age, and can acquire no rights not possessed by his said mother.

None of the applicants herein can be identified on any roll of the Cherokee Nation in the possession of the Commission.

IT IS, THEREFORE, THE OPINION OF THIS COMMISSION: That the applications for the enrollment of Amanda Nasir, Mattie Eva Nasir and Frank Watkins, as Cherokee freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman

Commissioner

Commissioner

Dated at Muskogee, Indian Territory,
this JUN 30 1905

Department of the Interior.

Commission to the Five Civilized Tribes.

In the matter of the application for enrollment of William Davis, et al., as citizens by intermarriage of the Cherokee Nation, consolidating the applications of:

William Davis,	Cherokee Freedmen D—14;
Henry Thomas,	Cherokee Freedmen D—55;
Ella Vann,	Cherokee Freedmen D—76;
Mary Markham,	Cherokee Freedmen D—109;
Frances Melton,	Cherokee Freedmen D—110;
John Dotson,	Cherokee Freedmen D—111;
Mary Jane Vann,	Cherokee Freedmen D—115;
Thomas Lowe,	Cherokee Freedmen D—119;
Ella Mayfield,	Cherokee Freedmen D—124;
Sallie Rider,	Cherokee Freedmen D—147;
Reuben Campbell,	Cherokee Freedmen D—161;
Van Jackson Luther,	Cherokee Freedmen D—172;
Cassie Middleton,	Cherokee Freedmen D—173;
Mary Harris,	Cherokee Freedmen D—179;
Nellie Fields,	Cherokee Freedmen D—185;
John Kimbo,	Cherokee Freedmen D—186;
William S. Madden,	Cherokee Freedmen D—199;
Jane Dean,	Cherokee Freedmen D—209;
Albert T. Thomas,	Cherokee Freedmen D—210;
Mary Campbell,	Cherokee Freedmen D—213;
Caroline Daniels,	Cherokee Freedmen D—253;
Melvina Afferty,	Cherokee Freedmen D—257;
Dave Morris,	Cherokee Freedmen D—258;
Alexander Claggett,	Cherokee Freedmen D—260;
Amanda Martin,	Cherokee Freedmen D—264;
Ellen Marsh,	Cherokee Freedmen D—317;
John E. Barnes,	Cherokee Freedmen D—319;
Bell Davis,	Cherokee Freedmen D—326;
Samuel Brown,	Cherokee Freedmen D—329;
Howard P. Watson,	Cherokee Freedmen D—347;
Jack McCormick,	Cherokee Freedmen D—350;
Minnie Manley,	Cherokee Freedmen D—360;

George Reed, Sr.,	Cherokee Freedmen D—382,
Buck Ledman,	Cherokee Freedmen D—406,
Bell Thompson,	Cherokee Freedmen D—411,
Lewis Scott,	Cherokee Freedmen D—420,
Abe Scott,	Cherokee Freedmen D—421,
Kender Lampton,	Cherokee Freedmen D—423,
Thomas E. Allen,	Cherokee Freedmen D—424,
Lewis Vanderford,	Cherokee Freedmen D—426,
John L. Bowlin,	Cherokee Freedmen D—444,
Katie Davis,	Cherokee Freedmen D—455,
Charles Williams,	Cherokee Freedmen D—473,
John J. Rose,	Cherokee Freedmen D—474,
Jane Martin,	Cherokee Freedmen D—486,
Lena Peterson,	Cherokee Freedmen D—490,
Alex Johnson,	Cherokee Freedmen D—493,
Martha Vann,	Cherokee Freedmen D—495,
John Scott,	Cherokee Freedmen D—501,
Nancy Ross,	Cherokee Freedmen D—513,
Charles C. Smith,	Cherokee Freedmen D—514,
Susie Colbert,	Cherokee Freedmen D—520,
William Skaggs,	Cherokee Freedmen D—545,
Susie Johnson,	Cherokee Freedmen D—546,
Alfred P. Hopkins,	Cherokee Freedmen D—550,
Kizzie Vann,	Cherokee Freedmen D—552,
Freddie Looney,	Cherokee Freedmen D—573,
Lucy Chouteau,	Cherokee Freedmen D—584,
Alice Durant,	Cherokee Freedmen D—588,
Mahaley Ward,	Cherokee Freedmen D—608,
Fred D. Thomas,	Cherokee Freedmen D—650,
Bettie Beck,	Cherokee Freedmen D—665,
Ellis Warren,	Cherokee Freedmen D—667,
Millie Robinson,	Cherokee Freedmen D—674,
Mary Webber,	Cherokee Freedmen D—691,
Frances Martin,	Cherokee Freedmen D—692,
Mary Riley,	Cherokee Freedmen D—696,
Emanuel Taylor,	Cherokee Freedmen D—699,
Henry Sykes,	Cherokee Freedmen D—733,
Larkin P. Powell,	Cherokee Freedmen D—735,
Stepney Dawn,	Cherokee Freedmen D—736,
Malinda Vann,	Cherokee Freedmen D—741,
Frances Johnson,	Cherokee Freedmen D—742,
Annie Foster,	Cherokee Freedmen D—743,
Mary H. Rogers,	Cherokee Freedmen D—752,
George Washington Lane,	Cherokee Freedmen D—758,
Jane Brown,	Cherokee Freedmen D—760,

Samuel L. Young,	Cherokee Freedmen D—761,
John Buckner,	Cherokee Freedmen D—780,
Willis Cox,	Cherokee Freedmen D—781,
Leonard Bowles,	Cherokee Freedmen D—787,
Malinda Murrell,	Cherokee Freedmen D—788,
Charles Claggett,	Cherokee Freedmen D—789,
Samuel Irven,	Cherokee Freedmen D—798,
Mary Rose,	Cherokee Freedmen D—799,
Maggie Nave,	Cherokee Freedmen D—808,
Neoma Nave,	Cherokee Freedmen D—816,
Ella Rose,	Cherokee Freedmen D—840,
Elizabeth Duncan,	Cherokee Freedmen D—871,
Sadie Adams,	Cherokee Freedmen D—880,
Georgeann Archer,	Cherokee Freedmen D—901,
John Claggett,	Cherokee Freedmen D—912,
Hattie Smith,	Cherokee Freedmen D—923,
Jack Jackson,	Cherokee Freedmen D—938,
Lula Sanders,	Cherokee Freedmen D—973,
George Hazelrig,	Cherokee Freedmen D—987,
Lizzie West,	Cherokee Freedmen D—990,
Maria French,	Cherokee Freedmen D—1010,
Mary Johnson,	Cherokee Freedmen D—1039,
Maggie Vann,	Cherokee Freedmen D—1062,
William Hudson,	Cherokee Freedmen D—1067,
Sarah Rogers,	Cherokee Freedmen D—1078,
Abraham Ballard,	Cherokee Freedmen D—1082,
Laura David,	Cherokee Freedmen D—1085,
John Deckman,	Cherokee Freedmen D—1105,
James B. Perry,	Cherokee Freedmen R— 39,
Isaac Welch,	Cherokee Freedmen R— 45,
Lawson Logan,	Cherokee Freedmen R— 48,
George Howell,	Cherokee Freedmen R— 56,
Henry Masir,	Cherokee Freedmen R— 72,
George Adams,	Cherokee Freedmen R— 82,
Annie Thomas,	Cherokee Freedmen R— 83,
Lewis McConnell,	Cherokee Freedmen R— 86,
Callie Vann,	Cherokee Freedmen R— 94,
Lou Peters,	Cherokee Freedmen R— 96,
Ida Adair,	Cherokee Freedmen R— 99,
Robert Brown,	Cherokee Freedmen R—100,
Allie Chambers,	Cherokee Freedmen R—102,
Isom Jones,	Cherokee Freedmen R—104,
Alice Gunter,	Cherokee Freedmen R—105,
Katie Adair,	Cherokee Freedmen R—106,
Carrie Martin,	Cherokee Freedmen R—107,

Benjamin Gutherie, Cherokee Freedmen R—109;
Emily Looney, Cherokee Freedmen R—110;
John Groves, Cherokee Freedmen R—112;
Matilda McNair, Cherokee Freedmen R—117;
Bettie Vann, Cherokee Freedmen R—123;
Nelson Lee, Cherokee Freedmen R—125;
Ethnie Rogers, Cherokee Freedmen R—129;
William Washington, Cherokee Freedmen R—131;
Squire Warren Owens, Cherokee Freedmen R—143;
Eunice Goldsby, Cherokee Freedmen R—144;
Susan Daniels, Cherokee Freedmen R—145;
Anderson Parker, Cherokee Freedmen R—146;
David Lane, Cherokee Freedmen R—156;
Felix McClain, Cherokee Freedmen R—166;
Henderson Jones, Cherokee Freedmen R—170;
Belle Vann, Cherokee Freedmen R—181;
Levi Stroud, Cherokee Freedmen R—196;
John Sampter, Cherokee Freedmen R—214;
Mariah Thompson, Cherokee Freedmen R—230;
Ellen Sheppard, Cherokee Freedmen R—236;
Lula Melton, Cherokee Freedmen R—247;

DECISION.

It appears from the record herein that applications for enrollment as Cherokee citizens by intermarriage, were made to this Commission by William Davis for himself; by Hannah Thomas for her husband, Henry Thomas; by Jim Vann for his wife, Ella Vann; by Sig Markham for his wife, Mary Markham; by Nathan Melton for his wife, Frances Melton; by Mary Dotson for her husband, John Dotson; by George W. Vann for his wife, Mary Jane Vann; by Thomas Lowe for himself; by Thomas Mayfield for his wife, [illegible] Mayfield; by James Rider for his wife, Sallie Rider; by [illegible] Campbell for himself; by Yan Jackson Luther for himself; by Tobe Midleton for his wife, Cassie Midleton; by Thomas Harlin for his wife, Mary Harlin; by John Fields for his wife, Nellie Fields; by John Kimbo for himself; by William W. Madden for himself; by Tobias Bean for his wife, Jane Bean; by Etta Thomas for her husband, Albert P. Thomas; by James Campbell for his wife, Mary Campbell; by Frank Daniels for his wife, Caroline Daniels; by Jim Alberty for his daughter-in-law, Melvina Alberty; by Sarah Morris for her husband, Dave Morris; by Jane Claggett for her husband, Alexander Claggett; by Payton Martin for his wife, Amanda Martin; by Charles Martin for his wife, Eliza Martin; by John E. Barnes for himself; by Joe Davis for his wife, Bell Davis; by Ellen Brown for her husband, Samuel Brown; by Mary Ann Watson for her husband, Howard P. Watson; by Jack McConnell for himself; by Maude Manley for herself; by George Reed, Sr., for himself; by Buck Lodman for himself; by Bell Thompson for herself; by Lewis Scott for himself; by Abe Scott for

himself; by Kender Lampton for himself; by Thomas E. Allen for himself; by Lewis Vanderford for himself; by Elizabeth Bowlin for her husband, John L. Bowlin; by John D. Davis for his wife, Katie Davis; by Charles Williams for himself; by John J. Rose for himself; by David Martin for his wife, Jane Martin; by Fred Peterson for his wife, Lena Peterson; by Mariah Johnson for her husband, Alex Johnson; by Joseph Vann for his wife, Martha Vann; by John Scott for himself; by Steve Looney for Nancy Ross; by Charles C. Smith for himself; by James Colbert for his wife, Susie Colbert; by Rosanna Skaggs for her husband, William Skaggs; by Susie Johnson for herself; by Alfred P. Hopkins for himself; by Charles Vann for his wife, Kizzie Vann; by Jake Looney for his wife, Freddie Looney; by Lucy Chouteau for herself; by Alice Durant for herself; by Alonzo Ward for his wife, Mahaley Ward; by Fred D. Thomas for himself; by Benjamin Beck for his wife, Bettie Beck; by Ellis Warren for himself; by William Henry Robinson for his wife, Millie Robinson; by Josh Webber for his wife, Mary Webber; by Otto Martin for his wife, Frances Martin; by Ed Riley for his wife, Mary Riley; by Emanuel Taylor for himself; by Henry Sykes for himself; by Larkin P. Powell for himself; by Stepney Dawn for himself; by Ellis Vann for his wife, Malinda Vann; by David Johnson for his wife, Frances Johnson; by Phillip Foster for his wife, Annie Foster; by Houston Rogers, Jr., for his wife, Mary H. Rogers; by George Washington Lane for himself; by Silas Hammer Brown for his wife, Jane Brown; by Samuel L. Young for himself; by Lizzie Buckner for her husband, John Buckner; by Sarah Cox for her husband, Willis Cox; by Susan Bowles for her husband, Leonard Bowles; by Henry Murrell for his wife, Malinda Murrell; by Charles Claggett for himself; by Samuel Irven for himself; by David Ross for his wife, Mary Ross; by George E. Nave for his wife, Maggie Nave; by Lewis Armstead Nave for his wife, Neoma Nave; by Perry Ross for his wife, Ella Ross; by Elizabeth Duncan for herself; by Perry Adams for his wife, Sadie Adams; by Thomas Archer for his wife, Georgeann Archer; by Nancy Claggett for her husband, John Claggett; by Sonny Smith for his wife, Hattie Smith; by Jack Jackson for himself; by John Sanders for his wife, Lula Sanders; by Mary Hazelrig for her husband, George Hazelrig; by George West for his wife, Lizzie West; by Maria French for herself; by Mary Johnson for herself; by Maggie Vann for herself; by William Hudson for himself; by Sarah Rogers for herself; by Abraham Ballard for himself; by King David for his wife, Laura David; by John Deckman for himself; by James B. Perry for himself; by Isaac Welch for himself; by Nancy Logan for her husband, Lawson Logan; by Maria Howell for her husband, George Howell; by Amanda Masir for her husband, Henry Masir; by Katie Adams for her husband, George Adams; by Willie Thomas for his wife, Annie Thomas; by Lewis McConnell for himself; by Josh Vann for his wife, Callie Vann; by Lou Peters for herself; by Robert Adair for his wife, Ida Adair; by Josie Brown for her husband, Robert Brown; by Mat Chambers for his wife, Allie Chambers; by Rachel Jones for her husband, Isom Jones; by Lewis Gunter for his wife, Alice Gunter; by Amos Adair for his wife, Katie Adair; by William H. Martin for his wife, Carrie Martin; by Benjamin Clark for himself; by Emily Looney for herself; by Mary Groves for her husband, John Groves; by Butler McNair for his wife, Matilda McNair; by Bettie Vann for herself; by Nelson Latt for himself; by Allen Rogers for his wife, Fannie Rogers; by William Washington for himself; by Squire Warren Owens for himself; by Fannie Goldsby for herself; by Charles Daniels for his wife, Susan Daniels; by Rachel Turk for her husband, Anderson Turk; by David Lane for himself; by Lelia McClain for himself; by Henderson Jones for himself; by Isaac Vann for his wife, Belle Vann; by Maggie Stroud for her husband, Levi Stroud; by John Sumpter for himself; by Mariah Thompson for herself; by Ellen Sheppard for herself; and by Lula Melton for herself, claiming their right thereto by virtue of their marriage to Freedmen Cherokee citizens.

The record further shows that none of the applicants herein make any claim to enrollment as citizens of the Cherokee Nation other than as set forth above.

It further appears from the record herein that at the time applications were made for the enrollment of the above named applicants, application was also made for the enrollment of other applicants as Cherokee Freedmen, but said applications being differently classified are not included in this decision.

It does not appear that any of the applicants herein are identified upon the 1880 Authenticated Cherokee Roll, nor does it appear that any of said applicants has ever been admitted to Cherokee citizenship by a duly constituted court or committee of the Cherokee Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321).

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Lemuel Welcome, (I. T. D. 5848-1904, 11,776-1904), the applications made for the enrollment of William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Midleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Melinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington,

Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Strong, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by intermarriage, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[SIGNED] TAMS BIXBY,
Chairman.

[SIGNED] T. B. NEEDLES,
Commissioner.

[SIGNED] C. R. BRECKINRIDGE,
Commissioner.

MUSKOGEE, INDIAN TERRITORY, JANUARY 19, 1905.

W. J. S.

DEPARTMENT OF THE INTERIOR;

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Amanda Masir, et al., as Cherokee freedmen, consolidating the applications of:

Amanda Masir et al.,	Cherokee Freedmen R 72,
Frank Watkins,	Cherokee Freedmen R 75.

-: D E C I S I O N :-

THE RECORD IN THIS CASE SHOWS: that applications for enrollment as Cherokee freedmen were made to this Commission by Amanda Masir for herself, her husband, Henry Masir (by intermarriage), and minor child, Mattie Eva Masir; and by Frank Watkins for himself. As the application for the enrollment of the said Henry Masir has been heretofore disposed of, his right to enrollment as a citizen by intermarriage of the Cherokee Nation will not be considered in this decision.

THE EVIDENCE HEREIN SHOWS: That Amanda Masir was the slave of a Cherokee citizen at the commencement of the rebellion and was removed from the Cherokee Nation during said rebellion, but returned thereto within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., versus the Cherokee Nation et al., for the return of freedmen to said Nation. It is further shown that her daughter, Mattie Eva Masir, was born since 1866, and derives whatever right she may have to enrollment, through her said mother. The evidence further shows that Amanda Masir, since her return to the Cherokee Nation as hereinbefore shown, has lived the greater portion of the intervening time in the state of Kansas and has forfeited her citizenship theretofore acquired in said Nation.

The evidence further shows that Frank Watkins is the adult son of the said Amanda Nasir, by a former husband; that he was born in Kansas subsequent to 1866, and removed to the Cherokee Nation when he was fifteen years of age, and can acquire no rights not possessed by his said mother.

None of the applicants herein can be identified on any roll of the Cherokee Nation in the possession of the Commission.

IT IS, THEREFORE, THE OPINION OF THIS COMMISSION: That the applications for the enrollment of Amanda Nasir, Mattie Eva Nasir and Frank Watkins, as Cherokee freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tams Bixby
Chairman.

(Signed) T. B. Needles
Commissioner.

(Signed) C. R. Breckinridge
Commissioner.

Dated at Muskogee, Indian Territory,

this JUN 30 1905

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Amanda Masir et al., as Cherokee freedmen, consolidating the applications of

Amanda Masir et al	Cherokee Freedmen R 72
Frank Watkins	Cherokee Freedmen R 75

her and husband, Henry Masir, (by intermarriage),

DECISION

Eva

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by, Amanda Masir for herslef and ~~her~~ minor child, Mattie E. Masir, and by Frank Watkins for himself. ~~The record further shows that application was also made for the enrollment of Henry Masir as a Cherokee freedman by intermarriage, but his status as such is not determined at this time and he is not embraced in this decision.~~

The evidence shows that Amanda Masir was the slave of a Cherokee citizen at the commencement of the rebellion and was removed from the Cherokee Nation during said rebellion, but returned thereto within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., versus the Cherokee Nation et al., for the return of freedmen to said Nation. It is further shown that her daughter, Mattie Eva Masir, was born since 1866 and derives whatever right she may have to enrollment through her said mother.

The evidence further shows that Amanda Masir, since her return to the Cherokee Nation as hereinbefore shown, has lived the greater portion of the intervening time in the State of Kansas, and has forfeited her citizenship theretofore acquired in said Nation.

The evidence further shows that Frank Watkins is the adult son of the said Amanda Masir, by a former husband; that he was born in Kansas, subsequent to 1866, and removed to the Cherokee Nation when he was fifteen years of age, and can acquire no rights not possessed by his said mother.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Amanda Masir, Mattie Eva Masir and

As to the application for the enrollment of the said Henry Masir he has heretofore disposed of his right to enrollment as a citizen by intermarriage & the same will not be considered in this decision.

None of the applicants herein can be identified on any roll of the Cherokee Nation in possession of the Commission.

Frank Watkins as Cherokee freedmen should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this _____

COPY.

Cherokee Freedmen
2-16 et al.

Muskogee, Indian Territory, January 24, 1905.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted record of proceedings had in the matter of the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Watson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Lubber, Cassie Middleton, Mary Martin, Nellie Fields, John Kimbo, William S. Waldon, Jane Dean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John W. Barnes, Nell Davis, Samuel Brown, Howard F. Watson, Jane McConnell, Rhoda Manley, George Reed, Sr., Buck Latham, Bell Thompson, Lewis Scott, Ida Scott, Xenier Lampkin, Thomas F. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, Jane Scott, Nancy Rose, Charles C. Smith, Susie Gilbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Minnie Young, Freddie Looney, Lucy Chouteau, Alice Sumpt, Theodore Ward, Fred D. Thomas, Nettie Brook, Ellis Warren, Millie Robinson, Mary Carter,

-4-

Frances Martin, Mary Miley, Emanuel Taylor, Tenny Sykes, Loftin T. Powell, Stephney Dawn, Malinda Vann, Frances Johnson, Annie Hughes, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Harrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Moye, Thomas Knox, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeanna Archer, Jane Champion, Hattie Smith, Jack Jackson, Lula Sanders, George Humphrey, Lizzie Vest, Maria French, Mary Johnson, Maggie Vann, William Vaughn, Chris Rogers, Abraham Pollard, Laura Byrd, John Jackson, Thos. S. Henry, Isaac Welch, Lambeth Logan, George Howell, Henry Wells, George Adams, Annie Thomas, Doris McConnell, Callie Vann, Lee Dickens, Ida Adair, Albert Brown, Allie Chambers, Jane Jones, Alice Hughes, Katie Blair, Carrie Martin, Benjamin Clark, Sally Lacey, Jno Greven, Matilda Murphy, Hattie Vann, Nelson Lott, Frank Hughes, William Washington, Squire Clayton Owens, Frank Grimsley, Anna Daniels, Anderson Page, Jarvis Lane, Polly Pollock, Henderson Jones, Delia Vann, Levi Hughes, John Hughes, Martha Thompson, Ellen Whipplewood and Lula Melton, as thereby [illegible] by intermarriage, including the Commissioner's decision dated January 14, 1908, rejecting said applications.

Respectfully,

SIGNED: Tamie Bixby.
[illegible]

Encl. K-8.
Through the
Commissioner of Indian Affairs.

COPY.

Cherokee Freedmen
3-24 et al.

Muskogee, Indian Territory, January 26, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting the application for the enrollment of, William Davis, Fenny Thomas, Ella Vann, Mary Redthorn, Frances Ingram, John Ostayn, Mary Jane Vann, Thomas Love, Ella [illegible], Callie Riley, Reuben Campbell, Van Buchanan Butler, [illegible], Mary Martin, Willis Fields, John Kinch, Tilman F. Austin, Jane Penn, Minnie T. Thomas, Mary Campbell, Caroline Jenkins, Pelham Chesley, Jane Mayfield, Alexander Blagrett, Bunyan Harris, Ellen Martin, Peter E. Berryhill, Lula Smith, Bennett Bryan, Bryant M. Vance, Jane Hammond, Lucie Fowler, Cornelia Ezell, Mr., Judy Robbins, Nick Thompson, Lewis Riley, Ann Scott, Hannah Langston, Thomas D. Riley, Lucky Cunningham, Ella E. Martin, Hattie Vann, Charles Tillison, Jane E. Erwin, Mary Martin, Jane Pettigrew, Alex Driggs, Tucker Ross, John Field, Jenny Field, Charles C. Smith, Sarah Gibson, William Thomas, Sarah Johnson, Alfred P. Hopkins, Florida Vann, Thomas Lucas, Jane

Chouteau, Alice Durant, Wahaley Ward, Fred D. Thomas, Bettie Beall, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Lafkin P. Powell, Stagney Dunn, Malinda Venn, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Hannah L. Young, John Bachelor, Willis Cox, Leonard Sykes, Melinda Harrell, Charles Haggett, Samuel Irven, Mary Ross, Maggie Moore, Emma Hare, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Chaggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hendrix, Lizzie Watt, Maria French, Mary Johnson, Maggie Venn, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Jackson, James B. Berry, Isaac Welch, Lawson Lagon, George Hyatt, Randy Wash, George Adams, Annie Thomas, Lewis McDonald, Callie Venn, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Custer, Katie Adair, Carrie Martin, Benjamin Glass, Abby Lowney, John Groves, Matilda Miller, Hattie Venn, Solace Lyle, Fannie Rogers, William Washington, Hayley Warren Jones, Pinkie Goldsby, Susan Daniels, Andersen Tate, David Lane, Julia Hudson, Henderson Jones, Hallie Venn, Lyd Harvel, John Chapman, Martin Thompson, Miles Sheppard and Lula Hilton, an American citizen by Intermarriage.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the

-2-

Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED). Tamie Dixby.
[redacted]

Incl. K-9.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
S-72.

Muskogee, Indian Territory, January 24, 1905.

Henry Masir,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

Chairman.

Incl. S-77.
Register.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, March 28, 1906.

Refer in reply
to the following:
Land,
7908-1906.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 24, 1906, transmitting the record of the application for enrollment as Cherokee citizens by intermarriage to Cherokee freedmen by William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Tom Jackson Luther, Cassie Middleton, Mary Harlin, Wally [illegible], John Kimbo, William S. Holden, Jane Bean, Albert T. Thomas, Mary Campbell, Carolina Daniels, Melvina Alberty, Dave Harris, [illegible] Sleggett, Amanda Martin, Eliza Martin, John K. Barnes, Bob Davis, Daniel Brown, Edward F. Wilson, Jack McDonald, Wade Manley, George Reed, Sr., Jack Lehman, Bob Thompson, Louis Scott, Ike Scott, Fender Langton, Thomas M. Allen, Annie Vandergrift, Ester L. Rankin, Hobie Davis, Charles Williams, John F. Rich, Jane Martin, Tom Pedgrew, Alex Johnson, Martha Vann, Jane Scott, Henry Ross, Charles S. Smith, Dacie Gilbert, William Sawyer, Susie Simpson, Alfred P. Hopkins, Minnie Vann, Franklin Looney, Lucy Harrison,

Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dunn, Malinda Vann, Frances Johnson, Annie Foster, Mary E. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Haselrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Nasir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Tuck, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard, and Lula Melton.

January 19, 1906, the Commission decided adversely to all the applicants.

The record shows that none of the applicants makes claim to enrollment as citizens of the Cherokee Nation, except by intermarriage with a Cherokee Freedman; that none has ever been enrolled or admitted to citizenship by any tribal authority of the Cherokee Nation or by any United States tribunal and that none is identified

on the 1880 authenticated Cherokee roll.

In view of the report and of the ruling of the Department of November 12, 1904 (I. T. D. 5848-1904) in the Lemmel Valeene case, the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

S. T. Lorrabee,

Acting Commissioner.

E.E.H.
V.

(C O P Y)

D. C. 22677-1905
I.T.D. 2004-1905

W G P
F H H

LRS

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

April 19, 1905.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

January 24, 1905, you transmitted the record in the matter of the applications for the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation, including your decision of January 19, 1905, rejecting said applications, viz:

William Davis, Emily Thomas, Ella Vann, Mary Markham, Frances Halton, John Dotsen, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Wm Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William H. Maiden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Ella Martin, John H. Barnes, Bell Davis, Samuel Brown, Minnie F. Vann, Jack McConnell, Maude Wanley, George Reed, Sr., Buck Lockey, Bell Thompson, Lewis Scott, Abe Scott, Xander Langton, Thomas R. Allen, Lewis Vanderford, John L. Boulin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann,

John Scott, Nancy Ross, Charles C. Smith, Susie Gelbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley , Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stephney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Maxelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers , Abraham Ballard, Laura David, John Deekman, James R. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Nasir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann , Lou Peters, Ida Admir, Robert Brown, Allie Chambers Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Betty Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann , Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton.

-2-

Reporting in the matter March 31, 1908, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(signed) THOS. RYAN
Acting Secretary.

1 inclosure.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.
WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
R-72.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 28, 1905.

Henry Masir,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

Chairman.

COPY.

Cherokee Freedmen

D 14, et al.

Muskogee, Indian Territory, April 20, 1908.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated January 19, 1908, rejecting the applications for the enrollment of William Davis et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1908.

Respectfully,

(SIGNED) Tams Bixby.

Chairman

COPY.

Cherokee Freedmen
D-14, et al.

Muskogee, Indian Territory, April 20, 1905.

Commissioner in Charge,
Cherokee Land Office,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED) Tams Bixby.
Commissioner.

Cherokee Freedman
R-92, et al.

Muskogee, Indian Territory, June 30, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Henry Nash, et al., as Cherokee freedmen, including the Commission's decision dated June 30, 1905, rejecting said application.

Respectfully,

(SIGNED). Tams Bixby
Chairman.

Incl. 8-4

Through the

Commissioner of Indian Affairs.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.
WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen
R-72.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 30, 1905.

Henry Masir,
Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the record of proceedings had in the matter of the application for the enrollment of yourself, et al., as Cherokee freedmen, together with a copy of the Commission's decision dated June 30, 1905, rejecting, among others, your said application.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Incl. S-1
Register

862

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

GIVEN IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
R-72, et al.

Muskogee, Indian Territory, June 30, 1906.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 30, 1906, rejecting the applications for the enrollment of Henry Masir, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Incl. 8-3

COPY

Land.
50931-1905.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON. August 11, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated June 30, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Amanda Masir for herself and her minor child, Mattie Eva Masir; and by Frank Watkins for himself.

June 30, 1905, the Commission decided adversely to the applicants.

The record shows that Amanda Masir was the slave of a Cherokee citizen at the beginning of the war of the rebellion, was removed from the Cherokee Nation during the war and returned thereto on or before February 11, 1867. It is further shown that her daughter, Mattie Eva Masir, was born since 1866 and has no title to enrollment except as a descendant of her mother. It is further shown that Amanda Masir, since her return to the Cherokee Nation as above shown, has lived the most of the time in the State of Kansas and has forfeited her citizenship in the Cherokee Nation.

The record further shows that Frank Watkins is the adult son of Amanda Masir, by a former husband; that he was born in Kansas subsequent to 1866, and removed to the Cherokee Nation when he was fifteen years of age and has no rights to enrollment not possessed by his mother.

None of the applicants is identified on any roll of the Cherokee Nation.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

M.M.M.
W.

COPY

G.R.

DEPARTMENT OF THE INTERIOR, LLB
WASHINGTON.

D. C. 12730-1906.
I.T.D.10266-1905.
LRS

April 4, 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

June 30, 1905, the Commission to the Five Civilized Tribes transmitted the record of the consolidated applications of Amanda Masir for the enrollment of herself and her minor child, Mattie Eva Masir, and the application of Frank Watkins for enrollment as Cherokee freedmen, including the decision of the Commission dated June 30, 1905, denying said applications.

August 11, 1905, the Acting Commissioner of Indian Affairs reporting thereon, recommended that the decision of the Commission denying said applications be affirmed. A copy of his letter is inclosed.

The Department concurs in the recommendation made and the decision of the Commission to the Five Civilized Tribes dated June 30, 1905, denying the applications for the enrollment of Amanda Masir, Mattie Eva Masir, and Frank Watkins as Cherokee freedmen, is hereby affirmed.

Respectfully,

Thos. Ryan,

First Assistant Secretary.

1 inclosure.

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen
R-82, et al.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 12, 1906.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, rejecting the applications for the enrollment of Frank Watkins and Amanda and Mattie Eva Masir as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 4, 1906.

For your information there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

W. O. Beall

Acting Commissioner.

Incl. S-40

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen
R-72.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 12, 1906.

Amanda Masir,

Vinita, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, rejecting, among others, your application for the enrollment of yourself and child, Mattie Eva Masir, as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 4, 1906.

There is inclosed herewith, for your information, a copy of Departmental decision referred to.

Respectfully,

Tams C. Reese

Incl. S-39

Acting Commissioner.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

Return to Writer.
UNCLAIMED.

MAR 3 1905

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE $300

REGISTERED
JAN
MUSKOGEE, IND. TER.

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263

Henry Masir,
Vinita, Indian Territory.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

REGISTERED
AUG 4 1905
VINITA, IND. TER.

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE $300

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2023

Henry Masir,
Vinita, Indian Territory.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

APR 28
2 PM
IND. T.

Return to Writer.
UNCLAIMED.

MP 72

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

MUSKOGEE, IND. T.
APR 28
5 30 P.
1905

VINITA
JUN 3
4:30AM
1905

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE $300

Return to Writer.
UNCLAIMED.

Henry Masir.
Vinita, Indian Territory.

C.T.R. 72.

Cher Fr R 73

Cher Fr R 73

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., MAY 10th, 1901.

In the matter of the application of Martha C. Manley for the enrollment of herself and one child as Cherokee Freedmen; said Manley, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your name at this time? A Martha C. Manley.
Q Who is it you want to apply for at this time? A Myself and one child.
Q How old are you? A 38.
Q What is your post office? A Vinita.
Q In what district do you live? A Cooweescoowee.
Q How long have you lived in the Cherokee Nation? A That has always been made home.
Q Are you on any of the rolls of the Cherokee Nation? A No, sir/ not as I knows of.
Q Give me the name of your father? A Rector Landrum.
Q He is dead is he? A Yes, sir.
Q Died in Kansas? A Yes, sir.
Q About six years ago? A Yes, sir.
Q Give me the name of your mother? A Philly Landrum.
Q She is alive is she? A Yes, sir.
Q Were you and your family slaves in the Cherokee Nation during the war, or before the war? A Yes, sir.
Q Was your father a slave in the Cherokee Nation? A Yes, sir.
Q To whom did your father and mother belong? A Paulina Landrum.
Q You belonged to Paulina Landrum too, didn't you? A Yes, sir, I guess so.
Q Was Paulina Landrum a Cherokee citizen? A Yes, sir.
Q Now, were you born in the Cherokee Nation? A Yes, sir.
Q When were you taken up to Kansas? A I don't know what year.
Q You were taken up there before the war were you? A Yes, sir.
Q Were you brought back after the war? A Yes, sir.
Q When were you brought back? A They said we came back in '66, I was too little to know.
Q Did they take you in a short time after that back to your father in Kansas? A I don't remember.
Q Where were you when you can first recollect? A At Vinita.
Q Did you live with your father up in Kansas? A I didn't think after they taken me back up there.
Q How old were you when you were taken back to Kansas? A I don't remember.
Q How do you happen to remember Vinita? A I don't remember that until I got old enought to remember.
Q Which can you remember first, Kansas or Vinita? A I can remember Vinita.
Q Have you been married more than once? A Once.
Q Give me the name of your husband? A Andrew Manley.
Q Is he alive now? A Yes, sir.
Q Where is he living? A He is not any particular home, he cooks first one place and then another.
Q Where is he at this time? A He is at Garnett, Kansas.
Q Where did you marry him? A Fort Scott, Kansas.
Q He is a Kansas man is he? A He is a Tennesseean.
Q He makes no claim of Cherokee status of his own right?
A No, sir.
Q He is a colored man is he? A Yes, sir.
Q When did you marry this man? A 1888.
Q Where did you marry him? A Fort Scott, Kansas.
Q How many children did you and he have? A Four.
Q Where were they born? A There was one born here, two born here and one born in Garnett, Kansas.
Q Were your two older children born in Kansas? A Yes, sir, No, sir, not the first.
Q You have had four children born altogether? A Yes, sir.
Q Are all of them dead but one? A All but one.

Q Where was your first child born? A Fort Scott, Kansas.
Q Where was the second child? A Vinita, Indian Territory.
Q Where was your third child born? A [illegible].Vinita.
Q Where was your last child born? A Garnett, Kansas; the first one was born at Fort Scott, Kansas, and the second was born Garnett.
Q And the third one? A Third one at Vinita.
Q And the last one? A Last one at Vinita.
Q How long did you live with your father up in Kansas, before you married? A I never did live with him up there, I was working out.
Q Where? A Here in Vinita.
Q All the time? A Yes, sir, I worked out.
Q All your life? A Oh, no, not when I was small.
Q How much of your life did you spend with your father before you were married? A I could not tell you because we worked out most of our life.
Q Where did you work out? A Worked out here at Vinita and Fort Scott Kansas and at Shawnee, Oklahoma.
Q Now, you had two children born in Kansas? A Yes, sir.
Q Did you live there in Kansas from the time you were married until both of these children were born? A No, sir.
Q Where did you live? A Vinita.
Q All the time? A Yes, sir.
Q But you were in Kansas when the children were born?
A Yes, sir, two of them.
Q You don't know that you have ever been admitted to any roll of the Cherokee Nation? A No, sir, I don't think I have.

The 1880 Authenticated Roll of citizens of the Cherokee Nation examined and applicant's name not found thereon.
The 1896 Census Roll of ci izens of the Cherokee Nation examined and the names of applicants not found thereon.
The Kerns-Clifton Roll of Freedmen of the Cherokee Nation examined and the names of applicants not found thereon.

Q Who is John Landrum? A I don'r know.
Q Who is Mary Landrum? A I don't know.
ROLL CLERK: There is a Polly Landrum on the roll in Cooweescoowee District, 13 years of age.
Q Is that your mother? A No, sir.
Q You don't recognized any of those names there? A No, sir.
Q Did you draw Cherokee strip money? A No, sir.
Q Eddie, Frank, Fred, Harvey, Ida, Joseph, Kate, Lela, Maynard, Ponsell; that is not your family? A No, sir.

The Wallace Roll of Freedmen of the Cherokee Nation examined and applicants' names not found thereon.
Q What is the name of your child? A Lloyd H.
Q How old is the child? A Six.

Child child, Lloyd H., is not identified upon any roll in the possession of this Commission.

Q This child is living now is he? A Yes, sir.

COM'R BRECKINRIDGE:-- The applicant applies for the enrollment of herself and one child. She claimes to be a native of the Cherokee nation and to have been in her infancy with her father and mother, slaves of a Cherokee citizen. It appears that she was carried to Kansas with her parents during the Civil War. She claims to have returned to the Cherokee Nation in 1866. At some subsequent period she returned to Kansas and she claims to have divided her life more or less between Kansas and the Cherokee Nation from the early part of her life to this time.

She married in Kansas and her two older children were born there, both now deceased. She is not identified upon the roll of 1880, or upon the Kerns-Clifton roll, or upons the ~~xxix~~ Wallace roll, or upon the roll of 1896. It seems quite evidence that she has passed her life in a very substantial way in Kansas and not being at any time admitted to enrollment, it is not seen that she has any right to enrollment at this time as a CherokeeFreedman and her application for enrollment is listed for rejection. She makes no application for her husband, whom she married in Kansas, and for whom no rights as a Freedman or Cherokee citizen are claimed. Her child, Lloyd H. Manley, now six years of age and living, is not identified on any roll. This child is considered to be of the same status as its mother and the application for his enrollment as a Cherokee Freedman will be listed for rejection.

SUPPLEMENTAL TESTIMONY in the above application:

Q Your mother is the Polly Landrum who applied here to-day?
A Yes, sir.
Q She is some 75 years of age, or such a matter? A Yes, sir.
Q She testified in her case that after she came back to the Cherokee Nation and stayed ~~xxx~~ a few months or at least a very short time, and she claims that was in 1866, that she then went back to Kansas and there joined her husband, the same man you ~~xxxx~~ give as your father; you were only four years of age at that time; do you know whether your mother took you back to Kansas then or not?
A No, sir.
Q You think she didn't take you? A I don't know, I was about two years old. I guess I was about five or six years old; I was not a year old when they taken us away.
Q I am talking about when you came back, you were about four years old perhaps when your mother brought you back from Kansas?
A Yes, sir.
Q Your mother would hardly go back to Kansas and leave you down here and you only four years of age? A I don't know, I expect she did, I was down here when I can remember.
Q About how old were you ~~xxx~~ as far back as you can remember?
A I expect I was about ten years of age.
Q And you were here then? A Yes, sir.
Q And berore that you don't know where you were? A Yes, sir.

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J. O. Resson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Resson

Subscribed and sworn to before me this 11th day of May, 1901.

M D Green
Notary Public

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED
FILED
1907

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date May 10-1901

Post Office Vinita I.T.

District Coo.

1. Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

2. Name of wife Martha E. Manley Age 38.

Owner's name Pauline Landrum Citizenship Cherokee.

Year ..... Page ..... No. ..... District .....

Parents:

Father Buxton Landrum d. Citizenship Col.

Mother Vicey " d. Citizenship Col.

Names of Children:

3. Lloyd H. Manley Year ..... Page ..... No. ..... Dist. ..... Age 6

4. ..... Year ..... Page ..... No. ..... Dist. .....

5. ..... Year ..... Page ..... No. ..... Dist. .....

6. ..... Year ..... Page ..... No. ..... Dist. .....

7. ..... Year ..... Page ..... No. ..... Dist. .....

8. ..... Year ..... Page ..... No. ..... Dist. .....

9. ..... Year ..... Page ..... No. ..... Dist. .....

10. ..... Year ..... Page ..... No. ..... Dist. .....

11. ..... Year ..... Page ..... No. ..... Dist. .....

12. ..... Year ..... Page ..... No. ..... Dist. .....

Application made by (2) Martha E. Manley Stenographer Jos. Rollon.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., MAY 10th, 1901.

In the matter of the application of Polly Landrum for the enrollment of herself as a Cherokee Freedman; said Landrum being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your name? A Polly Landrum.
Q That is your name at the present time is it? A Yes, sir.
Q You just apply for yourself? A Yes, sir.
Q How old are you? A Well, I am about 74 or 75.
Q What is your postoffice? A Vinita.
Q In what district do you live? A Delaware.
Q How long have you lived in the Cherokee Nation? A I have lived here all my life.
Q You say your husband is dead? A Yes sir.
Q How long has he been dead? A He has been dead about six years.
Q What was his name? A Rector Landrum.
Q Was he a Cherokee Freedman? A Yes, sir.
Q Were you a slave in the Cherokee Nation before the war? A Yes, sir.
Q To whom did you belong? A Paulina Landrum.
Q Are you on the rolls of the Cherokee Freedmen? A On the Clifton roll.
Q Is that all? A That is all, I guess.
Q How long have you borne the name of Landrum, all your life?
A No, sir, I belonged to Martin in the first place.
Q Have you been called Landrum ever since the war? A Yes sir.
Q Your owner, Paulina Landrum, was a Cherokee citizen was she?
A Yes, sir.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and the name of the applicant not found thereon.
The 1896 Census Roll of Freedmen of the Cherokee Nation examined and applicant's name not found thereon.

The Kerns-Clifton Roll of Freedmen of the Cherokee Nation examined and applicant's name found thereon, page 164, #4047, Polly Landrum, Cooweescoowee District.

Q How comes you are not on the roll of 1880? A I was here but they didn't take me.
Q Why would not they take you? A I don't know.
Q Well, explain, now, why were you not on the roll of 1880?
A They just didn't find where I was.
Q Could not show that you were entitled to be there? A They didn't come to where I was staying.
Q YOU didn't apply to be put on, you say? A No, sir, I don't guess, I didn't know nothing about it.
Q How comes you are not on the census roll of 1896? A Well, now, I will tell you I went in there and I told them I was a Cherokee Freedman and Mrs. Shelton got up and stated who I belonged to, she knowed me and the way they put it down I don't know.
Q Who is this Mrs. Shelton; what is her full name?
A Ann Shelton, Mr. Bell's sister.
Q She stated whom you belonged to? A Yes sir.
Q Is she living now? A Yes, sir, I suppose she is; Ain't she, Mr. Bell? (Addressing L. B. Bell.)
Q She lives at Vinita does she? A Yes, sir.
Q Did she say that you belonged to Paulina Landrum?
A Yes, sir, she said I belonged to Aunt Paulina Landrum.
Q Your Mistress was Mrs. Shelton's aunt? A Yes sir.
Q Well, where were you during the war between the North and South?
A Why I was at home in the breaking out of the war.

Q Well, where were you? A Down here on Grand river and then when the soldiers come in there they took me North.
Q Where did they take you? A Took me to Fort Scott.
Q Did you go up there with your family or by yourself?
A With my family.
Q How long did you stay up there? A Stayed there until the war ended.
Q Do you know when it was you came back to the Cherokee Nation?
A They said it was '66, I don't know.
Q You don't know when you came back? A Come back in '66.
Q You say you didn't know that of your own knowledge? A No sir; only just what people told me.
Q When did they tell you that? A Told me that before I started back; well, in the first place my husband come down here.
Q He came down here ahead of you? A Yes, sir.
Q About how long did he come ahead of you? A He come here in the fall and then he went back: He started from there in July, '66, come back to the old home and went back to Kansas after his family.
Q What time did he come back to Kansas after his family? A That same fall.
Q And you think that was in 1866? A Yes, sir.
Q You claim then that you got back to the Cherokee Nation before Christmas in 1866? A Yes, sir.
Q Where did you go? A Down here on Grand river.
Q Whom did you live with? A I went over to Simon's and stayed a while.
Q Who is Simon? A Simon Lynch.
Q Colored man? A Yes, sir.
Q Is he living? A Yes, sir; he is living, he is here somewhere.
Q Is he here on the ground? A Yes, sir, I suppose he is.
Q Did he have a place? A Yes, sir; and then I was at Al Lynch's.
Q Was your husband with you? A No, sir.
Q At xnyixther places? A No, sir.
Q Where was your husband? A He come first.
Q You said he came first and went back and got you? A Yes, sir.
Q Didn't he come back with you when you came back? A No, sir, he stayed up there, but he come after a while.
Q Who came with you? A My children.
Q What did you husband do back up in Kansas to keep Him?
A He was wonking to get something for his family to live on.
Q Which ones of your children came with you? A Mandy, Perry, Tom.
Q Are they all called Landrum? A Yes, sir; Martha, them was my oldest ones.
Q They came with you? A Yes, sir; Mary, John.
Q Is Mandy living? A Yes, sir.
Q Is Perry living? A Yes, sir.
Q Is John living? A I guess they is.
Q Are any of them on the roll of 1880? A No, sir; I don't guess there is.
Q Are any of your daughters on the roll of 1880? A No, sir.
Q Well, is there any witnesses you want to introduce now to prove that you were back here in 1866? A Here is Allen Lynch here.

BY L. B. BELL, Cherokee Representative:

Q Who come along with you when you come down here besides your children? A Well, I come with some strange people.
Q Strange people? A Yes, sir.
Q You don't know any of them? A It has been so long I forgot.
Q Did any of these Cherokee Freedmen come along? A The one one with me I know, but he is dead; that was Boney Dan, Dan Landrum.
BY COMMISSIONER BRECKINRIDGE: When did Boney Dan die? A Died in the time of the smallpox.
Q That was in 1881 or 1882 was it? A (No response.)

Polly Landrum.--

Q Who else come with you besides Boney Dan? A His wife.
Q What is hernname? A Jane.
Q Is she dead? A Yes, sir.
Q Is that all you can remember? A Yes, sir.

BY L. B. BELL:

Q Did you ever apply to the Kerns-Clifton Commission for enrollment?
A Yes, sir.
Q Well, what did you tell them the; where you come to? A I told them I come down to the Allen Ford.
Q Didn't you tell them that you come to Big Creek with Berry Ward?
A No, sir.
Q Who was living at the Allen Ford when you come there? A There wasn't anybody.
Q Who was living there where you stopped? A There was some neighbors up to the Pumpkin place where I lived, Jerry Jones for one.
Q Well, who else? A I forget his wife's name now.
Q Who did you live with? A Why, I stopped there with Jerry a while and I went over to Lynch's, Al Lynch's.
Q Where was he living? A He wa living down there in the bottom.
Q Oh, well, down in the bottom, whereabouts in the bottom?
A On Grand River.
Q On which side of the river. A On this side.
Q On the west side? A Yes, sir.
Q Do you know who lives there now? (No response)
Q What I am trying to get at if you know where the place was?
A John Brigwell, he owns it now.
Q How long did you live there bdfore you went back to Kansas?
A I stayed there a short time.
Q Well, how long? A Oh, I just can't tell how long.
Q A week? A I stayed there longer than that.
Q A year? A No, not quite a year, I stayed there at that place.
Q Well, give some account of yourself while you were here?
(No response.)
Q Well, when you went back to Kansas who went with you? A I don't know who went with me, I tell you it has been so long I just forgot.
Q You say Reck didn't come with you when you come the first time?
A He come first and went back.
Q You say he didn't come with you when you come the first time?
A No, sir, he didn't come, I come on with Boney Dan.
Q This Amanda, Sarah and Tom come with you? A Mandy and Perry.
Q How long did they stay here? A They stayed here a long time.
Q Before they went back? A Yes, sir, before they went back.
Q Well, you can't recollect a thing about who took you back to Kansas when you went? A I forget the peoples names.
Q Well, did anybody go with you? A Yes, sir, there was some, several went.
Q Were they white folks, Indians or Freedmen? A They was white folks.
Q And then how long did you stay in Kansas before you come back here?
A I stayed about a year, and then I come back.
Q And then remained here? A Yes, sir; part of the time?
Q Didn't go back to Kansas any more? A Yes, sir, I went back to Kansas.
Q Well, how long did you stay that second time when you went back to Kansas? A I stayed about six months.
Q Whom did you stay with? A I stayed with the white folks.
Q Where at? A At Fort Scott.
Q Now, didn't you and Reck have a farm up there? No, sir.
Q Had no property? A No, sir.
Q Didn't you live there 12 years without a break? A We had property rented.
Q Didn't you live there 12 years before you come down here at all?
A No, sir.
Q Didn't you stay 12 years before you went back? A No, sir.

BY COMMISSIONER BRECKINRIDGE:

Q You say you came down to the Cherokee in the fall of 1866?
A Yes, sir.
Q And stayed a while and then went back to Kansas? A Yes, sir.
Q You had left your husband up there? A Yes, sir.
Q And on that trip back to Kansas you stayed about six months?
A Yes, sir.
Q And then you came back to the Cherokee Nation? A Yes, sir.
Q Did your husband come back with you at that time? A Not at the time, but he come after I did.
Q Well, when you came back to the Cherokee Nation the second time how long did you stay in the Nation? A I can't tell how long I stayed.
Q You don't know? A No, sir.
Q Well, then you went back to Kansas? A Yes, sir, I went back visiting.
Q How long after you came back to the Cherokee the second time was it before your husband came to the Cherokee Nation?
A I can't tell you how long it was.
Q Did he locate and stay here when he came down here then?
A Yes, sir, he stayed here a while.
Q And then went back up to his work in Kansas? A Yes, sir.
Q Where did your husband die? A Died in Kansas.
Q What was he doing up there at the time he died? A He was working and took and stroke of Paralysis.
Q Was he farming? A Yes, sir.
Q How long had he been in Kansas at the time he died?
A I can't tell how long.
Q You don't know? A No, sir.
Q Well now, can you tell me in a plain, simple way how much of your life you spent in the Cherokee Nation and how much you spent in Kansas? A Well, I spent a great deal of my life here.
Q Now, you seem to remember everything distinctly back before you made these trips to Kansas, but when you come down after these Kansas trips I can't get anything out of you? A Yes, you can.
Q Well, give it to me? A Well, I stayed maybe six months in Kansas and come back here and stayed a year, and then, well I got out of a little means to go upon, I had my children up there some of them working, to send me my means and then after the railroad went through here, of course I could get my little means.
Q Is that what you mean now, is all you can tell me? A What is it?
Q I have asked you, there is no use repeating it. A What is it; I went there and stayed a year and then I come back here, come right back here to this Territory, and then I stayed here three years and then I went back there again to see my husband when he was about to die and then I come back and stayed.
Q You stayed here? A Yes, sir.
Q Did your husband live all the time up there in Kansas? A No, sir.
Q How long had he been living here you say at the time he died?
A I said I was down here.
Q I am not asking you about yourself, I am asking you about your husband? A He was up there about two years, back again.
Q He was there about two years before he died? A Yes, sir.
Q Where was he before that? A He was first here and then there, as I tell you he was working.
Q Is your husband on any roll of the Cherokee Nation? A I couldn't tell you.

ALLEN LYNCH, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give your name? A Allen Lynch.
Q How old are you? A 61 years old.
Q What is your post office? A Vinita.
Q How long have you lived in the Cherokee Nation? A Well, I have lived here pretty near all my life.

Q Where were you in 1865 and 1866? A In 1866 I was here; in 1865 I was in the Army.
Q Where were you in 1866, at Vinita? A No, sir; there wasn't any Vinita then.
Q Where were you? A Down on Grand river.
Q Do you know this applicant here, Polly Landrum? A Yes, sir.
Q Do you know anything about when she came back to the Cherokee Nation after the war? A I know when her husband come, not her.
Q When did her husband come? A He come here, I think it was in the fall, in October, '66, somewhere along there.
Q And how long did he stay here? A He stayed here I think about a couple of weeks.
Q And then returned to Kansas? A Yes, sir, he went back to Kansas.
Q About how long after that before you saw him again? A I never seen him any more for several years, I didn't live down there in that part of the country; I never saw him for several years after that.
Q Where was his wife all that time? A I guess she was in Kansas until she come down here.
Q Well, when did she come down here, so far as you know?
A I really could not say when she did come down here.

POLLY LANDRUM, the applicant-recalled, testified as follows BY L. B. BELL:

Q Was that the Al Lynch you said you lived with? A Yes, sir, I went to his house and lived a while with him.

COM'R BRECKINRIDGE:--The applicant claims to have lived in the Cherokee Nation all her life except an absence during and immediately following the war between the States. She claims to have been at the time of the breaking out of the war a slave of a Cherokee citizen, and states that she returned to the Cherokee in the fall of 1866 from the State of Kansas. She is not identified on the roll of 1880, or on the roll of 1896. She is identified on the Kerns-Clifton roll. The testimony shows that the applicant has spent at least a parge part of her live since the time when she claims to have returned to the Cherokee Nation, in the State of Kansas and her allegations in the early part of her testimony are not supported by her evidence in the subsequent part of her testimony and the witness with whom she states she lived in the fall of 1866 in the Cherokee Nation does not substantiate her testimony. It is not believed under this state of the case that the applicant is entitled to enrollment, but for the further consideration of her case, giving her the benefit of any doubts there may be, she will now be listed for enrollment as a Cherokee Freedman on a doubtful card, and the final decision of the Commission will be communicated to her at her post office address.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. O. Rosson.

Subscribed and sworn to before me this 11th day of May, 1901.

(Signed) M.D.Green.
Notary P

Seal.

Louise Smith, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she made the foregoing copy and that same is a true and complete copy of the original transcript.

Louise Smith.

Subscribed and sworn to before me this 7th day of November, 1904.

Charles D. Lawyer

Notary Public.

Supplemental D-248 Cherokee Freedmen.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T., June 10,1901.

In the matter of the application of Polly Landrum for enrollment as a Cherokee Freedman.

Appearances:
Mellette & Smith, attorneys for applicant:
W. W. Hastings, of counsel for Cherokee Nation.

Supplemental testimony:

Columbus McNair, being duly sworn by Commissioner Needles, testified as follows:

Mr. Smith: What is your name? A Columbus McNair.
Q How old are you? A 51.
Q Where do you live? A Vinita.
Q How long have you lived in the Cherokee Nation? A All my life.
Q [illegible]?
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q Do you know this applicant, Polly Landrum? A Yes, sir.
Q How long have you known her? A All my life.
Q Was she a slave? A Yes, sir.
Q Who did she belong to? A Belonged to Pliny Landrum.
Q That was a woman, was it? A Yes, sir.
Q Was she a Cherokee citizen? A Yes, sir.
Q An Indian? A Yes, sir.
Q Where was Polly here, when the war commenced? A She was down here on Grand River.
Q In what Nation? A Cherokee Nation.
Q Do you know whether she went out of the Cherokee Nation or not during the war? A Well, I don't know whether she was out or not, I wasn't down to Webbers Falls when they went away from there.
Q When did you first see her back in the Cherokee Nation after the war? A I never saw her back here until '67.
Q Where did you see her? A I saw her over on Grand River.
Q You don't know how long she had been back when you did see her?
A No, sir, I don't.

Polly Landrum, recalled, testified as follows:
Mr. Hastings: You went back to Humboldt, Kansas, didn't you? A No, sir, I never went to Humboldt.
Q You were living there in 1885, weren't you? A No, sir.
Q Didn't you never go back to Kansas? A Went back to Kansas, but never went back to Humboldt.
Q Where did you go? A Went to Fort Scott.
Q When did you go back up there? A It has been about three years since I made a visit up there.
Q When did you first go back up there after you came down? A I came down here in the fall of '66, and I never went back up there any more for 15 years, then I went again.
Q Were you married then? A I was married, but my husband died.
Q Where did he die? A He died up there.
Q What town? A Died out in the country.
Q Near what town? A Fort Scott.
Q What year? A I can't tell about the years.
Q How long after the war? A About a year or two years.
Mr. Smith: When did you say you first came back to the Cherokee Nation after the war? A In 1866.
Q Who did you come with, if anyone? A Come with, came with Bonny Dan Landrum.
Q Who was he? A He was a colored man belonged to Charlie Landrum.
Q What was he to you? A He wasn't anything to me, only fellow servants.

Q Did you have a husband? A Yes, sir.
Q Who was your husband? A Rector Landrum.
Q When did Rector come? A I come in '66, and he went back and died, and then I came with this Boney Dan Landrum.
Mr. Hastings: You say you came with Boney Dan the last time?
A Yes, sir.
Q Boney Dan move his family down that time? A Yes, sir.
Q What year was that? A Well I told you in '66.
Q The last time, when you came with Boney Dan? A That was the first time I came.
Q You never lived at Humboldt, Kansas? A No, sir.
Mr. Smith: What time in '66 did you come here? A In the fall.
Mr. Hastings: You don't know one year from another? A Yes, but I pretty near forget all I ever did know.
Q You don't know what year you were married? A Now Mr. Hastings, you know darkies don't know nothing about when they married.
Q You don't know what year the Wallace Court saw here? A No, sir, I don't.
Q You don't know what year the Kern-Clifton Court sat? A No, sir.
Q You don't know what year they paid that strip money? A No, sir.
Q You don't know one year from another? A I ask the people when I want to find out anything.
Q And that is the way you found out when you came back? A Somebody seventy-five years old, don't you allow me to forget, I have got so old I am getting forgetful.

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Bruce C. Jones, being first duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Bruce C. Jones.

Sworn to and subscribed before me this the 19th of June, 1901.

(Signed) T. B. Needles.
Commissioner.

Louise Smith, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she made the foregoing copy and that same is a true and complete of the original transcript.

Louise Smith

Subscribed and sworn to before me this 9th day of November, 1904.

Notary Public.

Supplemental D-248, Cherokee Freedmen.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 11, 1901.

In the matter of the application of Polly Landrum for enrollment as a Cherokee Freedman.

Supplemental testimony.

Appearances:
Mellette & Smith, attorneys for applicant:
J. S. Davenport, of counsel for Cherokee Nation.

James Landrum, being duly sworn by Commissioner Needles, testified as follows:
Mr. Smith: State your name? A James Landrum.
Q Where do you live? A Vinita.
Q What is your age? A 53.
Q Do you know this applicant, Polly Landrum? A Yes sir.
Q Is she related to you? A No; by marriage.
Q She married your uncle? A I married her niece.
Q How long have you known Polly Landrum? A Ever since I was a little boy.
Q How old are you? A Between 53 and 54.
Q Do you know where Polly was during the war? A Yes sir.
Q Where was she? A She was in Lynn County, Mound City, Kansas.
Q Where was she when the Civil War commenced? A Down here on the river.
Q Which river? A Grand River.
Q Where? A She lived at Tom Landrums.
Q Was that in the Cherokee Nation? A Yes sir.
Q Was she a slave? A Yes, sir.
Q Who did she belong to? A Belonged to Tom Landrum.
Q Was he a Cherokee Indian? A Yes, sir.
Q Citizen of the Cherokee Nation? A Yes, sir.
Q Do you know when Polly Landrum first returned to the Cherokee Nation after the war? A I don't know when she first returned to the Cherokee Nation, but I know when I first seen her.
Q When did you first see her? A In '66.
Q Where? A Down on Grand River, at the Pumpkin place.
Q Where was the Pumpkin place; was that anywhere in the Cherokee Nation? A Yes, sir.
Q Where has she been living since that time as far as you know?
A Why since that time she has been living here in Vinita I think.
Q Do you know how long she has lived in Vinita? A She has been living in Vinita about twenty years I think.
Q Where was she living after you saw her in 1866 before she went to live at Vinita? A She was living before '66?
Q No, after you saw her in 1866, before she went to Vinita?
A Well I don't know, I only seen her there at the Pumpkin place when I used to be passing on the river; I can't tell you that.
Q Do you know how long she was there at the Pumpkin place or about the Pumpkin place? A No, sir.
Q Did you see her there more than once? A Yes, sir.
Q About how long was she there, as well as you remember? A Well, I seen her as long as I stayed around there then.
Q How long was that? A About two months I think, I seen her off and on.
Mr. Davenport: When was that you saw her at the Pumpkin place?
A In '66.
Q How do you know it was in '66? A I know it was.
Q How did it happen you were down there in '66? A I moved to this country in '66.
Q When did you go back out of this country? A Why I went back about that time I reckon, I reckon it was about that time.

Q You are the same fellow who was examined over there who has been living at Mapleton, Kansas? A No, sir, no I never lived in Mapleton, Kansas.
Q Aren't you the same fellow I asked you did you know F. D. Myrick? A No, sir.
Q Where did you go when the war broke out? A I went to Kansas.
Q What part of Kansas? A Fort Scott, Lynn County.
Q Who went with you? A Nobody.
Q Who came back with you? A When I came to this country, Al Lynch, Simon Lynch, a man by the name of Lou Vittetteau, George Rockwell, Arch Landrum --
Q They all came back with you? A Yes, sir.
Q Now about what year did you come back with reference to that fight on Horse Creek? You come after that or before? A We came right at the same time, but we came another route.
Q Did you come the same year that fight was? A I suppose it was.
Q Had it occurred when you came down here? A I think we were here first before that Horse Creek fight was.
Q Do you know whether or not you heard of it when you came, or whether it took place after you came? A Yes, I believe I did.
Q Which was it now? A I think we came before the Horse Creek fight.
Q How long do you think you had been here when that fight took place? A I can't remember.
Q Had you been here a month or two? A I don't think it was that long.
Q Aunt Polly didn't go with you out of the country? A She went about the same time we all went to Kansas.
Q Did she go to the same place? A She stopped at Mound City, she stopped first at Fort Scott and then we all were sent on back farther north to Lynn County.
Q And she didn't go on? A I don't know whether she did or not.
Q You went on? A Yes, sir.
Q And you stayed up there near Fort Scott for several years? A No, sir, I stayed to Mound City, I didn't stay at Fort Scott.
Q You stayed there until about 1870? A Until I went in the army.
Q You were mustered out at Leavenworth? A Yes, sir.

Mr. Hastings: Comes now the representatives of the Cherokee Nation and requests that the number of the witness' enrollment be made a part of the record.

Mr. Smith: That is certainly incompetent and irrelevent.

Commissioner: I don't think that would be competent to put in here. The Commission takes knowledge of the fact that the witness is listed for enrollment on D card 664.

-----ooo0Oooo-----

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of this stenographic notes thereof.

(Signed) Bruce C. Jones.

Sworn to and subscribed before me this the 21st of June, 1901.

(Signed) T. B. Needles.
Commissioner.

Louise Smith, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she made the foregoing copy and same is a true and complete copy of the original transcript.

Louise Smith.

Subscribed and sworn to before me this November 8th 1904.

Chas. N. Sawyer
Notary Public.

(C O P Y)

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October 3, 1901.

In the matter of the application of Polly Landrum for enrollment as a Cherokee Freedman.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:
Mellette & Smith, attorneys for applicants:
W. W. Hastings, of counsel for Cherokee Nation.

L. B. BELL, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A L. B. Bell.
Q Your postoffice is Vinita? A Vinita, age 52.
Q Do you remember a colored woman who applied before this Commission in May here at Vinita, under the name of Polly Landrum? A Yes, sir.
Q You represented the Nation in the cross examination of that case? A When she applied, yes, sir.
Q Did you know her husband? A Yes.
Q What was his name? A Well his name was Reck Adams, or Reck Landrum.
Q Well, she also went by the name of Polly Adams, or Polly Landrum A Well yes; that Polly Landrum part the first time I ever heard it was when she came here, I knew them before that from the very first I can recollect, they belonged to my grandmother and went to one of her daughters in the division of the estate; the way they got the name of Adams, old Reck's daddy was named Adam, and there was five or six brothers among them, and when they came back from Kansas they had all took surnames and they came back here by the name of Adams; the first I knew of them calling themselves by the name of Adams was '68 or '9 when I began to see them here; that was old Adam's family, I never did see Reck and his family here till about the Wallace roll; but that Polly Landrum and Polly Adams is the same one.

Mr. Smith: How did she get the name of Landrum? A Well, her mistress was a Pauline Martin, an aunt of mine, she married first a man named Nicholson, then her name was Nicholson, and then he died and then she married a man named Landrum, and then her name was Landrum.
Q Did she own this Polly? A She owned Polly and Reck both.
Q Up to the time of the war? A Yes, right up to the war.
Q Was she living here, Polly, at the time the war commenced? A Yes, right here at the mouth of Reck Creek.
Q Your aunt was a citizen of the Cherokee Nation? A Yes, sir, and her husband too.

O. P. WATSON, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A O. P. Watson.
Q What is your age, Mr. Watson? A 69.
Q Where do you live? A Mound City, Kansas.
Q How long have you lived there? A Since '67.
Q Mr. Watson, did you know a colored woman up there who was went by t he name of Polly Adams? A Yes, sir.
Q Did you know her husband? A Yes, sir.
Q What was his name? A Rector Adams.
Q When did you first learn to know this family? A Well I, don't know as I came remember the date, it was along in '67 or '70, along in there, I think ever since they have been there, I can't tell the time she came, it was in an early time.
Q What time with reference to the closing of the war do you think it was? A I think it was soon after the close of the war.
Q Well, how long did you know them there? A I have known them

ever since.
Q Is Polly's husband, Rector, alive? A No, sir.
Q When did he die? A I think he died 6 or 7 years ago.
Q Where? A At Mound City.
Q Kansas? A Yes, sir.
Q Was the rest of them living up there at that time? A They were.
Q Did they live there since directly after the war when you first knew them up to his death? A Yes, sir.
Q Is Polly up there now? A I don't think she is, I haven't seen her for some time.
Q About how long? A Oh perhaps maybe two or three years, perhaps longer, 4 years or 5.
Q Now up to a short time ago, say two or three years, have you seen her there at frequent intervals since you first knew her directly after the war? A Yes, sir, I have seen her occasionally along, of course I saw the people, I was in business there and I met them in the store occasionally as I did everybody.
Q You never missed them away? A Never missed them away.
Q What business were you engaged in? A Mercantile business.
Q Did they have some children? A Yes, sir.
Q You remember any of them? A I remember two of them.
Q ~~xxx~~There were sold older girls that were married, I don't remember them.
Q They had some children there with them, did they? A Yes, sir.
Q You know whether they owned any land or property there? A Reck Adams owns a good farm there.
Q You know whether he was living on it when he died? A I think he was.
Q You say that your best judgment is he died five or six years ago I believe? A Yes, sir.

Mr. Smith: Mr. Watson, you don't know anything about this Polly Landrum prior to 1867? A No, sir.
Q Have you lived all the time at Mapleton since 1867? A I lived at Mound City, yes, sir.
Q Well, how far did this man, Reck Adams, live from Mound City?
A Three or four miles I think.
Q Well, what year did you become acquainted with this woman?
A Well sir, I can't give the year exactly.
Q You didn't go to Mound City till '67, is that right? A '57.
Q Now you don't know how long it was after the war before you first knew this woman? A No, sir, I can't tell exactly, I presume I knew them pretty soon after they came there, so many came in there, I, knew them as I did most of them.
Q Do you have any distinct recollection with reference to this woman? A No, sir, not particularly, I know they lived there a good many years.
Q But just how long since they commenced to live there, you can't state positively? A I can't state positively.
Q During the time they were living there you didn't know very much about them, you didn't see them often? A I saw them often Mr. Reck Adams was rather a preminent man.
Q You didn't know the children? A I do know two of the boys.
Q You know their names? A One was Thomas and one was John.
Q You don't know any other children? A I have seen them, but I am not personally acquainted with them.
Q Don't know of your own knowledge whether this woman Polly Landrum has been there all the time from the time you first knew her, whenever that was, until three years ago, or two years ago?
A Why she might have been gone as anybody would be to go off on a visit, but she still lived there in the country and I saw her quite often, as I saw a great many people as they came in to do business with me.
Q She was just, in your impression now, one of a number of people

who came about your store from time to time? A Yes, just same as anybody that lives in the country and I have business with.
Q You don't know when she left there? A It was sometime I think about '80 or '81 or '2 that she began to be coming down here and proving up her claim, I talked to Mr. Adams about it one time, and she was talking about coming down here at that time to the Cherokee Nation about her claim.
Q Well, did she come? A I don't know whether she did or not.
Q You say she is not living there now? A I don't think she is.
Q She hasn't been for some years? A I saw her I think about be perhaps one or two years ago she was on the street.
Q Don't know whether she was living there or not at that time?
A No, sir, I can't say.
Mr. Hastings: About how large a place in Mound City, Kansas?
A Mound City I think is between eight or nine hundred people.
Q About what was its population say '66 or '7; when was it started? A It was started about '58.
Q How many stores they have say after the war, '66, '7 or '8, along there? A Three or four.
Q Very small place? A It was a good business place, there was lots of business down there at that time.

J. J. HAWKINS, being duly sworn by Commissioner Needles, testified as follows:
Mr. Hastings: What is your name? A J. J. Hawkins.
Q What is your age? A I will be 63 the 9th of next March.
Q Where do you live? A Mound City, Kansas.
Q How long have you lived at Mound City, Kansas? A About ten years.
Q You mean the past ten years? A Yes, sir.
Q Did you know a colored man up there by the name of Rock or Rector Adams? A I did sir.
Q Where did he live? A He lived south of Mound City.
Q About how far? A Well perhaps four or five miles.
Q Did he have a wife? A He did, sir.
Q Do you know her name? A I heard her name, by occupying the position I did in the county.
Q What was that? A County Clerk.
Q Well, what was it? A Polly Adams.
Q About how long ago did you become acquainted with Rector Adams, the husband? A Well, I got acquainted with him after I was occupying the position of clerk.
Q When was that? A That was in '91 I was elected.
Q Was he living out there at this same place? A Yes, sir.
Q On a farm? A Yes, sir.
Q Have other members of his family besides his wife? A Yes, sir.
Q Do you remember any of them? A I do, sir.
Q What were their names? A Has one boy named James, or Jim they call him, the other boy I am acquainted with him but I don't know his name.
Q Is Rector Adams alive? A No, sir.
Q When did he die? A Well, I can't tell you when he died, he died five or six or seven years ago, I don't know exactly when.
Q He died up there on that place; where did he die? A He died I presume at his home; I don't know where he died.
Q Have you seen his wife since then? A No, sir, I haven't.
Q Well, what is your judgemnt as to how long you knew him before he died, this man Adams? A I knew him several years before I was elected County Clerk, I lived in the County before I was elected County Clerk, seven miles northwest of Mound City, six miles west and a mile north, and I wasn't acquainted with him until after I was elected Clerk, but I have heard of Rock Adams before I came to live in Mound City.

Q I believe you stated he owned property, owned a farm?
A Yes, sir.
Mr. Smith: What is your name? A J. J. Hawkins.
Q What is your postoffice? A Mound City, Kansas.
Q Mr. Hawkins, your first knowledge of the people you testified about began in '91 you say? A No, sir.
Q When? A I heard of Rector Adams before that.
Q I am not talking about what you heard, I am talking about what you know? A Well I knew Rector Adams after I was elected Clerk of Lynn County.
Q That was in 1891? A Yes, sir, fall of 1891.
Q You didn't know Rector Adams or his wife either before that?
A Not personally, no, sir.
Q Then you only knew at that time Rector Adams and his wife were living in Kansas; you don't know how long he had been living there of your own knowledge? A No, sir, not before '91 I don't know.
Q How long did you live there? A I lived in Lynn County 33 years last July.
Mr. Hastings: How long have you lived in Mound City? A Ten years.
Q And prior to, the time you went there you lived near Mound City?
A Well, I was living in two different places in the County.
Q It was out of town? A It was out of town, yes, sir.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Bruce C. Jones

Sworn to and subscribed before me this the 10th of October, 1901

(Signed) T. B. Needles

Commissioner.

Maggie Kennedy, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing copy and that the same is a true and correct copy of the original transcript.

Maggie Kennedy

Subscribed and sworn to be fore me this the 5th day of November 1904.

Charles P. Jennings

Notary Public.

Cherokee Freedmen R-73.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Martha C. Manley et al., as Cherokee Freedmen.

O R D E R.

It is herein ordered that the proceedings had in the matter of the application for the enrollment of Polly Landrum as a Cherokee Freedman, Cherokee Freedmen Doubtful 248, be filed with and made a part of the record herein.

Commissioner.

Dated at Muskogee, Indian Territory,
this February 10, 1906.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Martha C. Manley, et al., as Cherokee freedmen, consolidating the applications of:

Martha C. Manley, et al., Cherokee Freedmen R-73,
Jessie Manley, et al., Cherokee Freedmen R-74.

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Martha C. Manley for herself and her minor child, Lloyd H. Manley, and by Jessie Manley for herself and her minor daughter, Charlotte Manley.

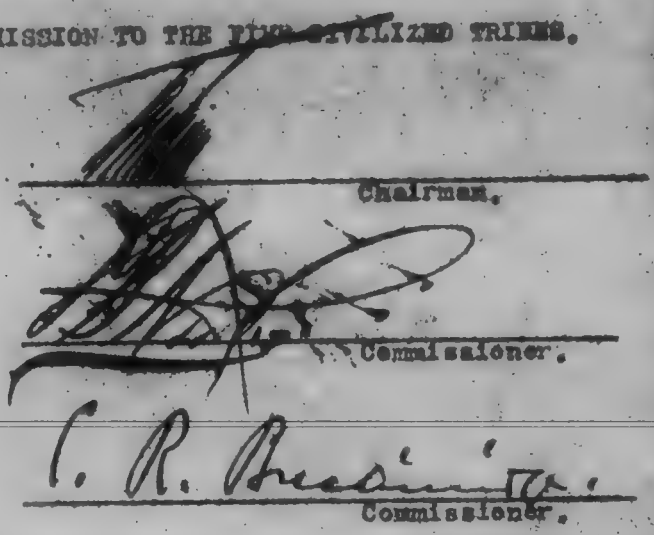
The evidence shows that the applicants, Martha C. Manley and Jessie Manley are the daughters of one Polly Landrum, and were born after the commencement of the Rebellion. The applicant, Martha C. Manley, was born in the Cherokee Nation prior to her parents' removal to the State of Kansas, and the said Jessie Manley was born in the said State after her parents' removal thereto. The Commission have heretofore found in the case of Polly Landrum, Cherokee Freedmen D-248, that she did not return to the Cherokee Nation and establish her residence until about the year 1895, and the Commission's decision rejecting the application of the said Polly Landrum was approved by the Secretary of the Interior on June 2, 1904.

The date of Martha C. and Jessie Manley's return to the Cherokee Nation is indefinite, but it is clear from the evidence herein that they did not have any residence in the Cherokee Nation until many years after the time specified in the decree of the Court of Claims, rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of freedmen to the Cherokee Nation. The father of these principal applicants, one Rector Landrum, deceased, is not shown to have in any respect complied with Article nine of the Cherokee Treaty of 1866. The applicants, Lloyd H. and Charlotte Manley are the minor children of the principal applicants herein, and possess no rights to enrollment except through their respective mothers.

None of the applicants herein are identified on the 1880 authenticated Cherokee Tribal Roll, or on any other roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission, that the applications for the enrollment of Martha C. Manley, Lloyd H. Manley, Jessie Manley and Charlotte Manley, as Cherokee freedmen, should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.

Commissioner.

C. R. Breedin

Commissioner.

Muskogee, Indian Territory,

this NOV 5 1904

11289

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
R 73.

Muskogee, Indian Territory, February 13, 1904.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the testimony in the matter of the application of Polly Landrum for enrollment as a Cherokee Freedman, together with a copy of an order signed by Commissioner Needles, making this testimony a part of the record in Cherokee Freedmen R 73, Martha C. Manley, et al.

Respectfully,

Commissioner in Charge.

Encl. V-66.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Tahlequah, Indian Territory, June 24, 1904.

Commission tothe Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

I return herewith consolidated Cherokee Freedmen cases Martha C. Manley, et al, R-73, and Jessie Manley, et al, R-74.

The law clerks have prepared a decision admitting these applicants to enrollment; but the decision has not yet been concurred in. The chief law clerk expresses some doubt in a note on the case.

When people have lived as long in the Nation as these people have and have never succeeded in getting upon a reliable roll, in the face of the care and eagerness of Freedmen to get on the rolls and the well known disposition of the Cherokees to protect their former slaves, it does not seem to me just to enroll them now upon the basis of contradictory testimony upon their own part, supported for the most part, if not entirely, by the rambling stories of professional citizenship witnesses, most of whom we have every reason to believe are utterly lacking in truth and veracity.

That, in my opinion, is the status of this case; and I think the decision should show that these applicants are not upon

any roll of the Cherokee Nation, that it is not found that they have any right to enrollment under Section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 495), and that it should refuse their application.

Respectfully,

C. R. Breathitt

Commissioner in Charge
Cherokee Land Office.

MH
Enc. H-019

COPY.

Cherokee Freedmen

R-42 R-44.

Muskogee, Indian Territory, November 6, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Martha C. Manley, et al., including the Commission's decision dated November 5, 1904, rejecting the applications for the enrollment of Martha C., Lloyd M., Jessie and Charlotte Manley as Cherokee freedmen.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Encl. R-33.

Through the

Commissioner of Indian Affairs.

COPY.

Cherokee Freedmen

R-73.

Muskogee, Indian Territory, November 5, 1904.

Martha C. Manley,

Vinita, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the record of proceedings had in the matter of the application for the enrollment of yourself and your minor son, Lloyd H. Manley, as Cherokee freedmen, together with a copy of the Commission's decision dated November 5, 1904, rejecting, among others, your said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

Encl. S-30.

Register.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
R-73 R-74.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, November 5, 1904.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 5, 1904, rejecting the applications for the enrollment of Martha C., Lloyd H., Jessie and Charlotte Manley as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

Chairman.

Encl. S-32.

(C O P Y)

DEPARTMENT OF THE INTERIOR,

Refer in reply to the following: OFFICE OF INDIAN AFFAIRS,

WASHINGTON, NOVEMBER 22, 1904.

Land.

78904-1904.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose herewith, a report from the Commission to the Five Civilized Tribes, dated November 5, 1904, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen by Martha C. Manley and her minor child, Lloyd H. Manley and by Jessie Manley for herself and her minor daughter, Charlotte Manley.

November 5, 1904, the Commission decided adversely to all the applicants.

The record shows that the principal applicants are the daughters of Polly Landrum and were born after the beginning of the war of the rebellion. The records of this Office show that the application of Polly Landrum was rejected by the Commission on the ground that she did not return to the Cherokee Nation and establish a residence therein until about the year 1895, and the rejection was approved by the Secretary of the Interior, June 2, 1904.

None of the applicants is identified on any roll pertaining to the Cherokee Nation, and it is evident from the record

that none was a resident of that Nation on or before February 11, 1867.

The applicants, Lloyd H., and Charlotte Manley, are the minor children of the principal applicants and possess no rights to enrollment except through their respective mothers.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

A. C. Tonner

Acting Commissioner.

M.M.M.
W.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen R-73.

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, December 8, 1904.

A. W. Manley,

Wellington, Arkansas.

Dear Sir:

The Commission is in receipt of your letter of October 29, 1904, relative to the application for the enrollment of Martha C. and Lloyd M. Manley, as Cherokee Freedmen.

In reply you are advised that the Commission's decision, dated November 5, 1904, rejecting the application for the enrollment of said persons, was forwarded to the Secretary of the Interior on that date for his review and decision. The action of the Secretary will be made known to you as soon as the Commission has information of the same.

In this connection, you are advised that the Commission forwarded a copy of the decision referred to, to the said Martha C. Manley, at Vinita, Indian Territory. If this is not her postoffice, you are requested to advise the Commission of her present postoffice address in order that its records may be complete.

Respectfully,

Chairman.

JD

(C O P Y)

W. C. F.
PHE

D. C. 49224-1904. DEPARTMENT OF THE INTERIOR,

I. T. D. 11954-1904. WASHINGTON. DECEMBER 15, 1904.
LRS

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

November 5, 1904, you transmitted the record in the consolidated Cherokee freedman case of Martha C. Manley, et al. (F. R-73, R-74), including your decision of the same date, rejecting the applicants, Martha C., Lloyd E., Jessie and Charlotte Manley.

Reporting in the matter November 22, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be affirmed. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Thos. Ryan

Acting Secretary

1 inclosure.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee Freedman
R-73

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 28, 1904.

Martha C. Manley,
Vinita, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated November 5, 1904, rejecting, among others, the application for the enrollment of yourself and your minor son, Lloyd H. Manley, as Cherokee Freedmen, was affirmed by the Secretary of the Interior on December 15, 1904.

Respectfully,

Chairman.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Omit 1.

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
R-73 and 74.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, December 28, 1904.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated November 5, 1904, rejecting the applications for the enrollment of Martha C., Lloyd H., Jessie, and Charlotte Manley as Cherokee Freedmen, was affirmed by the Secretary of the Interior on December 15, 1904.

Respectfully,

Chairman.

Cherokee Freedman
R 73 and 74.

COPY.

Muskogee, Indian Territory, January 5, 1905.

Commissioner in Charge
Cherokee Land Office,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated November 5, 1904, rejecting the applications for the enrollment of Martha C., Lloyd H., Jessie and Charlette Manley, as Cherokee Freedmen, was affirmed by the Secretary of the Interior on December 15, 1904.

Respectfully,

SIGNED. Tams Bixby.
Chairman.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Martha C. Manley et al., as Cherokee freedmen, consolidating the applications of:

Martha C. Manley et al	Cherokee Freedmen R 73
Jessie Manley et al	Cherokee Freedmen R 74

D E C I S I O N.

The record herein shows that application for enrollment as Cherokee freedmen were made to this Commission by, Martha C. Manley for herself and her minor child, Lloyd H. Manley, and by Jessie Manley for herself and her minor daughter, Charlotte Manley.

The evidence shows that the principal applicants herein were born during the rebellion and are the daughters of one Polly Landrum, who was the slave of a Cherokee citizen at the commencement of the rebellion and who has been enrolled by this Commission as a Cherokee freedman. (See Cherokee Freedmen Doubtful 248).

The evidence further shows that Lloyd H. and Charlotte Manley are the children of the principal applicants, by non-citizen husbands. It is further shown that Martha C. and Jessie Manley were removed from the Cherokee Nation during the rebellion, but returned thereto with their said mother, within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs the Cherokee Nation et al., for the return of freedmen to said Nation. It is further shown that since their return to said Nation, as hereinbefore shown, they have not forfeited or abjured their citizenship in said Nation. The minor applicants herein derive their rights to enrollment through their respective mothers.

It is, therefore, the opinion of this Commission that Martha C. Manley, Lloyd H. Manley, Jessie Manley and Charlotte Manley should be enrolled as Cherokee freedmen, in accordance with

the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

_____
Chairman.

_____
Commissioner.

_____
Commissioner.

_____
Commissioner.

Dated at Muskogee, Indian Territory,

this _____

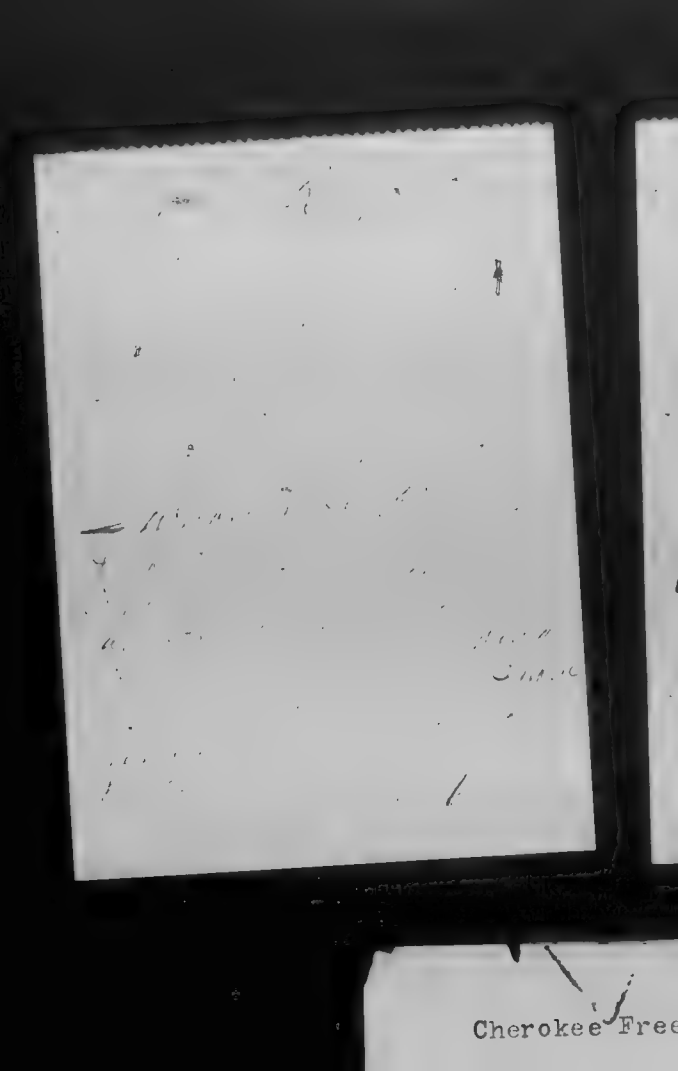
Cherokee Freedmen R-73,74.

The decision as originally prepared in this case is radically wrong. It seems to have been prepared on the theory that Polly Landrum, mother of the principal applicants herein, had been enrolled by this Commission. The record shows that Polly Landrum was denied by the Commission on March 5, 1904, and its decision rejecting her application was approved by the Department on June 2, 1904.

I have prepared a decision denying all of these applicants

C.M.McR.

July 27, 1904.


Cherokee Free

Freedmen R-73,74.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

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REGISTERED
DEC 8 1904
VINITA, IND. TER.

DEC 8 1904

Martha C. Manley,
Vinita, Indian Territory.

Return to Writer,
Unclaimed

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

VINITA, IND. T.
FEB 1
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1905

Return to Writer.
UNCLAIMED.

Martha C. Manley,
Vinita, Indian Territory

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

MUSKOGEE, IND. T.
DEC 8
1904

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE $300

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE $300

General Office
Cherokee Freed.

A. W. Manley,
Wellington, Arkansas.

Cher Fr R 74

Cher Fr R 74

Department of the Interior.
Commission to the Five Civilized Tribes.
Vinita, I. T., May 10, 1901.

In the matter of the application of Jessie Manley for the enrollment of herself and one child as Cherokee Freedmen; she being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your name? A Jessie Manley.
Q How old are you? A 35.
Q Who do you want to enroll? A Myself and one child.
Q What is your postoffice? A Vinita.
Q In what district do you live? A Coowescoowee.
Q How long have you lived in the Cherokee Nation? A Well, as far back as I can remember; I lived here for fourteen or fifteen years.
Q Have you lived continuously for the last fourteen or fifteen years? A Yes sir, most of the time.
Q When you have not been here, where have you been? A In Kansas.
Q Give me the name of your father. A Rector Landrum.
Q He is dead, is he? A Yes sir.
Q He died in Kansas, didn't he, about six years ago? A Yes sir.
Q Give me the name of your mother. A Polly Landrum.
Q She is alive? A Yes sir.
Q Are you on any of the rolls of the Cherokee Nation? A No sir, not that I know of.
Q Have you ever been recognized in any way as far as you know as a Cherokee Freedman? A No sir.
Q Have you ever drawn any money from the Cherokee Nation? A No sir.
Q You have been married, have you? A Yes sir.
Q When were you married, how long ago? A About ten years ago.
Q Have you been married more than once? A No sir.
Q To whom were you married? A Allen Manley.
Q Where were you married? A In Kansas.
Q Is your husband living? A Yes sir.
Q Where is he at this time? A In Missouri, working in Missouri.
Q You don't make any claim for him as a Cherokee citizen at all?
A No sir, he is a Tennesseean.
Q Give me the name of your child. A Charlotte Manley.
Q How old is that child? A 10 years old.
Q Has this child ever been recognized in any way as a Cherokee Freedman? A No sir.
Q Never drawn any money for it? A No sir.
Q Never had it on any roll? A No sir.
Q Is the child alive now? A Yes sir.
Q Were you married at your father's up there in Kansas? A No sir.
Q Where were you married? A At Garnett, Kansas.
Q Why were you not married at your father's? A I wasn't there with my father then; I worked out then, I wasn't at home.
Q What is your husband's business? A Just a common laborer.
Q Where has he worked since you have been married to him? A In Missouri most of the time.
Q Where was this child born? A In the territory.
Q Where at, here at Vinita? A No sir, on Pantha Creek.
Q How much have you been in the Cherokee Nation since you married your husband? A Well, I guess over half of my time, because I worked here in Vinita for three years.
Q How long had you been working in Kansas at the time you married your husband? A I don't remember, not very long, because I didn't stay there very long at a time.

The tribal rolls of the Freedmen of the Cherokee Nation examined and the name of the applicants not found thereon.

L. B. Bell, Cherokee Attorney: How long have you been living at Vinita? A I have been living there off and on.
Q No, now how long continuously, right now back? A Over ten years; I was out to my aunt when my little child was born, and I come back to Vinita and stayed here except when I go to the country and stayed with my relation; I had to work all the time.
Q Who was your aunt? A Aunt Nata and Aunt Clara lived out on Pantha Creek near Chelsea.

Q When did you first come to the Cherokee Nation? A Well, I don't remember when I did first come here, what year it was.
Q You don't remember? A No sir.
Q When did you first recollect of being down here then? A It was before the enrollment for the Wallace Enrollment, because I wasn't of age; I didn't enroll for myself.
Q You were here before the Wallace Roll - how long? A I don't remember how long.
Q You were big enough at that time? A I don't know though.
Q Was it a year or two? A I guess more than that.
Q Where did you stay at that time? A At Grand River with Cousin Amy Bean, and out at Chelsea.
Q At Chelsea with whom? A AUnt Clara Bean.
Q That was before the Wallace Roll was taken? A Yes sir.
Commissioner: I understood you to say that you had spent perhaps more than half your time in the Cherokee Nationsince you were married? A Yes sir.
Q Well, now, for ten or fifteen years before that time, where did you spend most of your time? A Most of my time was here, except I would go up in Kansas and see my father and then I would come back here.
Q You would hire out up there in Kansas? A Yes sir, I had worked out all my life ever since I was big enough to work.
Q Have you ever had any children except this child, Charlotte?
A No sir.
Q Who is there here knows that you and your husband are married?
A My sister and my mother.

Polly Landrum, being sworn and examined by Commissioner Breckinridge, testified as follows:
Q Give me your name? A Polly Landrum.
Q What is your postoffice? A Vinita.
Q Are you the mother of this applicant here, Jessie Manby? A Yes sir.
Q What is the name of her husband? A Allen Manley.
Q About how long since she and Allen Manley were married? A I can't tell how long.
Q About how long has she been married? A I guess she has been married eight or ten years. Well, she went from here and mafried I guess she has been married about four years.
Q Well, you don't know? A I don't know how long; I know she is married.
Q Was she ever married except to this man? A No sir.
Q She married him up in Kansas, didn't she? A Yes sir.
Q You testified in your case that you came back to the Cherokee Nation in 1866? A Yes sir.
Q And that a little while after that you went back to Kansas and joined your husband? A Yes sir.
Q Did you take this child with you? A Yes sir, I carried her.
Q She was a little thing then? A Yes sir, she was a baby.
Q You were a slave before the war? A Yes sir.
Q Who was it you belonged to? A Paulina Landrum.
Q She was a Cherokee citizen? A Yes sir.
Q And were you a slave here in the Cherokee Nation? A Yes sir.
Q Both before the war and until you were taken to Kansas during the war? A Yes sir.
Q Did this daughter belong to the same woman? A She wasn'tborn then.
Q Was this child born in Kansas or in the territory? A She was born in Kansas.
Q Do you say she went up to Kansas to get married? A Yes sir.
Q Where were you at the time she was married? A I was here.
Q Here at Vinita? A Yes sir.
Q And she left you, did she? A Yes sir.
Q And went up there to get married? A Yes sir, and the man wrote down here for her.
Q Why didn't he come down here and marry her? A I don't know. I can't tell you that; he had been down here.

Q Now long after she left you when she got married up there - did she go right th-re and get married? A I suppose so.
Q Did she come right back? A Yes, she come back.
Q Immediately? A She was gone a week or two, and then come back.
Q Did her husband come back with her? A No sir, he didn't come back.
Q Did she say she was married when she got back? A Yes sir, she said she was married.
Q Well, your husband was up in Kansas at that time? A He was dead.
Q No, he wasn't dead then according to her testimony? A I don't know how long he has been dead.
Q Your daughter thinks she has been married about ten years? A I tell you I don't know how long she has been married; I aint got no recollection.
Q You just remember the circumstances? A Yes sir.
Q Well, did your daughter stay with you all the time up until the time she married? A This girl worked every where when she could get work to do; it was home when she come home, but she would work out.
L. B. Bell: Who was you living with at Vinita when your daughter left to go to Kansas to get married? A I was living with my other daughter, Martha Manley, in Mr. Buffington's house.
Commissioner: Well now, you say this daughter worked out? A Yes sir.
Q Now where did she work in Kansas and the territory both - you say she worked out? A Yes sir, she worked for Joe Harris in the territory; I don't know how long.
Q Who all did she work for in Kansas? A The Lord knows, I don't.
Q Since she got married, has she been working out since? A I don't know what she has been doing since she has been married.
Q You have been here at Vinita? A Yes sir.
Q She was somewhere else? A Yes sir.
Q Where was she - you don't know? A She was up in Missouri, I guess.
Q She wasn't about you? A No, she wasn't about me.
Q Well, how long has she been here about you before this time back? A She has been with me about a month or so, or such a matter.
Q Where did she come from when she come here? A From Missouri she said.
Commissioner Breckinridge:

The applicant applies for the enrollment of herself and one child. It appears that the applicant is the child of colored people who were slaves in the Cherokee Nation at the time of the breaking out of the Civil War. Her parents were taken to Kansas, and she was born there. She is not identified on the roll of 1880, or upon the roll of 1896, or the Wallace Roll, or upon the Kerns Clifton Roll. She is not 35 years of age. In addition to her not having been admitted to enrollment, the evidence does not justify the conclusion that she has made her residence in the Cherokee Nation in any way to entitle her to the status of citizenship. She was married in the State of Kansas, and the life of herself and her husband appears to be principally identified outside of the Cherokee Nation. The application for her enrollment at this time will be listed for rejection; she being placed upon a rejected card as a Cherokee Freedman. She states that her child is not upon any roll. It is now ten years of age, and is said to be living, and it is not identified upon any roll made since its birth. The applicant's husband, for whom no application is made, does not possess any rights of Cherokee citizenship in any manner, and this child, therefore, can only partake of the status of its mother, and the child will be listed upon a rejected card as a Cherokee Freedman.

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The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly reported the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

E. Rotherington

Subscribed and sworn to before me this [illegible] day of May, 1901.

[illegible]
Commissioner.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

1901

ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date May 10- 1901

Post Office Vinita I. T.

District Cod.

1. Name ..... Age .....

Citizenship .....

Owner's name .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

2. Name of wife Jessie Manley Age 35-

Owner's name Pauline Landrum Citizenship Cherokee

Year ..... Page ..... No. ..... District .....

Parents:

Father Peyton Landrum Sr. Citizenship Col.

Mother Polly " " Citizenship Col.

Names of Children:

3. Charlotte Manley Year ..... Page ..... No. ..... Dist. ..... Age 10 yrs.

4. ..... Year ..... Page ..... No. ..... Dist. .....

5. ..... Year ..... Page ..... No. ..... Dist. .....

6. ..... Year ..... Page ..... No. ..... Dist. .....

7. ..... Year ..... Page ..... No. ..... Dist. .....

8. ..... Year ..... Page ..... No. ..... Dist. .....

9. ..... Year ..... Page ..... No. ..... Dist. .....

10. ..... Year ..... Page ..... No. ..... Dist. .....

11. ..... Year ..... Page ..... No. ..... Dist. .....

12. ..... Year ..... Page ..... No. ..... Dist. .....

Application made by (2) Jessie Manley Stenographer J. M. Rosson

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Martha C. Manley, et al., as Cherokee freedmen, consolidating the applications of:

Martha C. Manley, et al., Cherokee Freedmen R-73,
Jessie Manley, et al., Cherokee Freedmen R-74.

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Martha C. Manley for herself and her minor child, Lloyd H. Manley, and by Jessie Manley for herself and her minor daughter, Charlotte Manley.

The evidence shows that the applicants, Martha C. Manley and Jessie Manley are the daughters of one Polly Landrum, and were born after the commencement of the Rebellion. The applicant, Martha C. Manley, was born in the Cherokee Nation prior to her parents' removal to the State of Kansas, and the said Jessie Manley was born in the said State after her parents' removal thereto. The Commission have heretofore found in the case of Polly Landrum, Cherokee Freedmen D-248, that she did not return to the Cherokee Nation and establish her residence until about the year 1895, and the Commission's decision rejecting the application of the said Polly Landrum was approved by the Secretary of the Interior on June 2, 1904.

The date of Martha C. and Jessie Manley's return to the Cherokee Nation is indefinite, but it is clear from the evidence herein that they did not have any residence in the Cherokee Nation until many years after the time specified in the decree of the Court of Claims, rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of freedmen to the Cherokee Nation. The father of these principal applicants, one Rector Landrum, deceased, is not shown to have in any respect complied with Article nine of the Cherokee Treaty of 1866. The applicants, Lloyd H. and Charlotte Manley are the minor children of the principal applicants herein, and possess no rights to enrollment except through their respective mothers.

None of the applicants herein are identified on the 1880 authenticated Cherokee Tribal Roll, or on any other roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission, that the applications for the enrollment of Martha C. Manley, Lloyd H. Manley, Jessie Manley and Charlotte Manley, as Cherokee freedmen, should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed). Tams Bixby.
Chairman.

(Signed). T. B. Needles.
Commissioner.

(Signed). C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,
this Nov 5 1904

COPY.

Cherokee Freedmen

R-73 R-74.

Muskogee, Indian Territory, November 5, 1904.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 5, 1904, rejecting the applications for the enrollment of Martha C., Lloyd H., Jessie and Charlotte Manley as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

SIGNED. Tams Bixby.
Chairman.

Encl. 8-32.

COPY.

Cherokee Freedmen

R-73 R-74.

Muskogee, Indian Territory, November 5, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Martha C. Manley, et al., including the Commission's decision dated November 5, 1904, rejecting the applications for the enrollment of Martha C., Lloyd H., Jessie and Charlotte Manley as Cherokee freedmen.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Encl. S-33.

Through the

Commissioner of Indian Affairs.

COPY.

Cherokee Freedmen

R-74.

Muskogee, Indian Territory, November 5, 1904.

Jessie Manley,

Vinita, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the record of proceedings had in the matter of the application for the enrollment of yourself and your minor child, Charlotte Manley, as Cherokee freedmen, together with a copy of the Commission's decision dated November 5, 1904, rejecting, among others, your said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

Encl. S-31.

Register.

(C O P Y)

DEPARTMENT OF THE INTERIOR,

Refer in reply to the following: OFFICE OF INDIAN AFFAIRS,

WASHINGTON, NOVEMBER 22, 1904.

Land.

78904-1904.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose herewith, a report from the Commission to the Five Civilized Tribes, dated November 5, 1904, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen by Martha C. Manley and her minor child, Lloyd H. Manley and by Jessie Manley for herself and her minor daughter, Charlotte Manley.

November 5, 1904, the Commission decided adversely to all the applicants.

The record shows that the principal applicants are the daughters of Polly Landrum and were born after the beginning of the war of the rebellion. The records of this office show that the application of Polly Landrum was rejected by the Commission on the ground that she did not return to the Cherokee Nation and establish a residence therein until about the year 1896, and the rejection was approved by the Secretary of the Interior, June 8, 1904.

None of the applicants is identified on any roll pertaining to the Cherokee Nation, and it is evident from the record

that none was a resident of that Nation on or before February 11, 1867.

The applicants, Lloyd W., and Charlotte Manley, are the minor children of the principal applicants and possess no rights to enrollment except through their respective mothers.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

A. C. Tonner

Acting Commissioner.

M.M.M.
W.

(C O P Y)

W. C. F.
FHE

D. C. 49224-1904. DEPARTMENT OF THE INTERIOR,

I. T. D. 11954-1904. WASHINGTON. DECEMBER 15, 1904.
LRS

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

November 8, 1904, you transmitted the record in the consolidated Cherokee freedman case of Martha C. Manley, et al. (F. R-73, R-74), including your decision of the same date, rejecting the applicants, Martha C., Lloyd H., Jessie and Charlotte Manley.

Reporting in the matter November 22, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be affirmed. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Thos. Ryan

Acting Secretary

1 inclosure.

COMMISSIONERS:
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BREECKINRIDGE.
WM. O. BEALL, Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cmm R

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedman
R-74.

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, December 28, 1904.

Jessie Manley,
Vinita, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated November 5, 1904, rejecting, among others, the application for the enrollment of yourself and your minor daughter, Charlotte Manley, as Cherokee Freedmen, was affirmed by the Secretary of the Interior on December 15, 1904.

Respectfully,

Chairman.

COPY.

Cherokee Freedmen
R-73 and 74.

Muskogee, Indian Territory, December 28, 1904.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated November 5, 1904, rejecting the applications for the enrollment of Martha C., Lloyd H., Jessie, and Charlotte Manley as Cherokee Freedmen, was affirmed by the Secretary of the Interior on December 15, 1904.

Respectfully,

Tams Bixby.
Chairman.

COPY.

Cherokee Freedman
R 73 and 74.

Muskogee, Indian Territory, January 5, 1905.

Commissioner in Charge
Cherokee Land Office,
Tahlequah, Indian Territory.

Dear sir:

You are hereby advised that the Commission's decision dated November 5, 1904, rejecting the applications for the enrollment of Martha C., Lloyd H., Jessie and Charlotte Manley, as Cherokee Freedmen, was affirmed by the Secretary of the Interior on December 15, 1904.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

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VINITA, IND. TER.

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MUSKOGEE, IND. TER.

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE $300

DE
1904

Return to Writer.
Unclaimed.

Jessie Manley,
Vinita, Indian Territory.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

Return to Writer.
UNCLAIMED.

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE $300

CER. 74

Jessie Manley,
Vinita, Indian Territory.

Cher Fr R 75

Cher Fr R 75

Department of the Interior.
Commission to the Five Civilized Tribes.
Vinita, I. T., May 10, 1901.

In the matter of the application of Frank Watkins for enrollment as a Cherokee Freedman; he being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name. A Frank Watkins.
Q Who is it you want to enroll; just yourself? A Just myself.
Q How old are you? A 31.
Q What is your postoffice? A Vinita.
Q In what district do you live? A Delaware.
Q How long have you lived in the Cherokee Nation? A About half of my life, I guess.
Q The latter half or the early first half? A About 15 years.
Q Fifteen or sixteen years? A Off and on.
Q Give me the name of your father. A Boliver Watkins.
Q Is your father alive? A No sir, he is dead.
Q How long has he been dead? A I think as near as I can give an account, about 18 or 19 years.
Q Give me the name of your mother? A Amanda Masir, now.
Q She is alive, is she? A Yes sir.
Q Are you on any of the rolls of the Cherokee Nation? A I enrolled on the Wallace Roll.
Q You think you are on the Wallace Roll? A I tried to get on there; I don't know whether I am on there or not.
Q Did you try to get on the Kerns Clifton Roll? A I don't think I did; no sir.
Q Did you try to get on the Census Roll, four or five years ago? A No sir.
Q Why didn't you try to get on the Kerns Clifton Roll when that big payment was being made? A Why I was defeated in the Wallace Roll, that was the reason I didn't come.
Q Where were you born? A In Kansas.
Q Did you live in Kansas until you came to the Cherokee Nation fifteen or sixteen years ago? A Until I got of age; that is, big enough to go anywhere.
Q About how old were you then when you first come down to the Cherokee Nation? A I was about 15 or 16 years old.
Q Have you ever married? A No sir.
Q You were born in Kansas? A Yes sir.
Q At Fort Scott? A Yes sir.
Q Your father and mother were living there at the time? A Yes sir.
Q Was your father ever a Cherokee Freedman? A I don't think he were.
Q Was your mother ever a Cherokee slave? A Yes sir.
Q To whom did she belong? A I think she belonged to Landrum.
Q What Landrum? (No answer)
Q Was it your mother who applied here a while ago? A Yes sir.
Q Did she belong to Paulina Landrum? A Yes sir.
Q Now, what have you done in the way of living in the Cherokee Nation in the last fifteen or sixteen years? A I made part of my living here at Vinita, and wherever I could get work to do.
Q What have you done and where did you do it? A I helped partly to build up Vinita here; carried hod here.
Q How long did you do it? A I was here one fall; I have been here off and on at different times.
Q How long have you been here and how long did you stay? A That is all I can tell you.
Q Just in that general way? A Yes sir, and I would visit my kin folks while I was here, and make my living here.
Q What else did you do besides carry hod one fall? A Worked around several places in these little villages here.
Q Now, when and where? A The time I carried the hod here was the time they were running the colored people out of here; I don't know what year it was; about eight or nine years ago. I have been here several times since.
Q Is that all you can tell me? A Yes sir.
Q That covers then what you have done in the Cherokee Nation in the last fifteen or sixteen years? A Yes sir.

2- F. W.

Q What can you say about yourself being in other countries besides the Cherokee Nation during that time? A Did just the same as I did here, trying to make my living.
Q Where and when? A I worked in Fort Scott, and was a soldier in the Army; I was in Santiago de Cuba.
Q Is that all you can tell me? A Yes sir.

The tribal rolls of the Freedmen of the Cherokee Nation examined and the name of the applicant not found thereon.

The applicant testifies that he was born in the State of Kansas, and there lived until he was fifteen or sixteen years of age, when he claims to have come to the Cherokee Nation. His testimony as respects his residence in the Cherokee Nation since the time indicated is of an entirely unsatisfactory character, it not indicating any consistency of residence in the Cherokee Nation, and being wholly lacking in definite information. He is not identified on the roll of 1880, or upon the roll of 1896, or upon the Wallace Roll, or upon the Kerns Clifton Roll. He states that he was rejected when he applied for enrollment on the Wallace Roll, and that was his first application [illegible], and that he has never thought it worth while to apply for enrollment since. Under these conditions, the applicant is not considered to have any claim to the right of enrollment at this time. His application is as a Cherokee Freedman, and he will now be listed for enrollment on a rejected card under the status of a Cherokee Freedman.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

E. F. Rothenberger

Subscribed and sworn to before me this 15th day of May, 1901.

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
1901

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date May 10 1901

Post Office Muskogee I.T.

District Del. 31

1. Name Frank Watkins Age

Owner's name Pauline Watkins Citizenship

Year Page No. District

Parents:

Father Bolivar Watkins (d) Citizenship

Mother Amanda Mosier (d) Citizenship

2. Name of wife Age

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

3. Year Page No. Dist.
4. Year Page No. Dist.
5. Year Page No. Dist.
6. Year Page No. Dist.
7. Year Page No. Dist.
8. Year Page No. Dist.
9. Year Page No. Dist.
10. Year Page No. Dist.
11. Year Page No. Dist.
12. Year Page No. Dist.

Application made by (1) Frank Watkins Stenographer Ida Thompson

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

W.J.S.

In the matter of the application for the enrollment of Amanda Masir, et al., as Cherokee freedmen, consolidating the applications of:

Amanda Masir et al.,	Cherokee Freedmen R 72,
Frank Watkins,	Cherokee Freedmen R 75.

D E C I S I O N.

THE RECORD IN THIS CASE SHOWS: that applications for enrollment as Cherokee freedmen were made to this Commission by Amanda Masir for herself, her husband, Henry Masir (by intermarriage), and minor child, Mattie Eva Masir; and by Frank Watkins for himself. As the application for the enrollment of the said Henry Masir has been heretofore disposed of, his right to enrollment as a citizen by intermarriage of the Cherokee Nation will not be considered in this decision.

THE EVIDENCE HEREIN SHOWS: That Amanda Masir was the slave of a Cherokee citizen at the commencement of the rebellion and was removed from the Cherokee Nation during said rebellion, but returned thereto within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., versus the Cherokee Nation et al., for the return of freedmen to said Nation. It is further shown that her daughter, Mattie Eva Masir, was born since 1866, and derives whatever right she may have to enrollment, through her said mother. The evidence further shows that Amanda Masir, since her return to the Cherokee Nation as hereinbefore shown, has lived the greater portion of the intervening time in the state of Kansas and has forfeited her citizenship therefore acquired in said Nation.

The evidence further shows that Frank Watkins is the adult son of the said Amanda Nasir, by a former husband; that he was born in Kansas subsequent to 1866, and removed to the Cherokee Nation when he was fifteen years of age, and can acquire no rights not possessed by his said mother.

None of the applicants herein can be identified on any roll of the Cherokee Nation in the possession of the Commission.

IT IS, THEREFORE, THE OPINION OF THIS COMMISSION: That the applications for the enrollment of Amanda Nasir, Mattie Eva Nasir and Frank Watkins, as Cherokee freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED). Tams Bixby.
CHAIRMAN

Commissioner

(SIGNED). C. R. Breckinridge.
Commissioner

Dated at Muskogee, Indian Territory,
this JUN 30 1905

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.
WM. O. BRALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

GIVE IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
R-75.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 30, 1905.

Frank Watkins,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the record of proceedings had in the matter of the application for your enrollment as a Cherokee freedman, together with a copy of the Commission's decision dated June 30, 1905, rejecting, among others, your said application.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Incl. S-2
Register

Cherokee Freedmen

R-72, et al.

Muskogee, Indian Territory, June 30, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, rejecting the applications for the enrollment of Henry Magir, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) Tams Bixby.

Chairman.

Incl. 8-3

COPY

Cherokee Freedmen
R-78, et al.

Muskogee, Indian Territory, June 30, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Henry Nasir, et al., as Cherokee freedmen, including the Commission's decision dated June 30, 1905, rejecting said application.

Respectfully,

(SIGNED) James Bixby.
Chairman.

Incl. 2-4

Through the

Commissioner of Indian Affairs.

COPY

Land.
50931-1905.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON. August 11, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated June 30, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Amanda Masir for herself and her minor child, Mattie Eva Masir; and by Frank Watkins for himself.

June 30, 1905, the Commission decided adversely to the applicants.

The record shows that Amanda Masir was the slave of a Cherokee citizen at the beginning of the war of the rebellion, was removed from the Cherokee Nation during the war and returned thereto on or before February 11, 1867. It is further shown that her daughter, Mattie Eva Masir, was born since 1866 and has no title to enrollment except as a descendant of her mother. It is further shown that Amanda Masir, since her return to the Cherokee Nation as above shown, has lived the most of the time in the State of Kansas and has forfeited her citizenship in the Cherokee Nation.

The record further shows that Frank Watkins is the adult son of Amanda Masir, by a former husband; that he was born in Kansas subsequent to 1866, and removed to the Cherokee Nation when he was fifteen years of age and has no rights to enrollment not possessed by his mother.

None of the applicants is identified on any roll of the Cherokee Nation.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

M.M.M.
W.

COPY

G.R.

LLB

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

D. C. 12730-1906.
I.T.D.10266-1905.
IRS

April 4, 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

June 30, 1905, the Commission to the Five Civilized Tribes transmitted the record of the consolidated applications of Amanda Masir for the enrollment of herself and her minor child, Mattie Eva Masir, and the application of Frank Watkins for enrollment as Cherokee freedmen, including the decision of the Commission dated June 30, 1905, denying said applications.

August 11, 1905, the Acting Commissioner of Indian Affairs reporting thereon, recommended that the decision of the Commission denying said applications be affirmed. A copy of his letter is inclosed.

The Department concurs in the recommendation made and the decision of the Commission to the Five Civilized Tribes dated June 30, 1905, denying the applications for the enrollment of Amanda Masir, Mattie Eva Masir, and Frank Watkins as Cherokee freedmen, is hereby affirmed.

Respectfully,

Thos. Ryan,

First Assistant Secretary.

1 inclosure.

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen
D-75.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 12, 1906.

Frank Watkins,
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, rejecting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on April 4, 1906.

There is inclosed herewith, for your information, a copy of Departmental decision referred to.

Respectfully,

W. O. Beall

Acting Commissioner.

Incl. S-38

Cherokee freedmen

R-72, et al.

COPY.

Muskogee, Indian Territory, April 12, 1906.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, rejecting the applications for the enrollment of Frank Watkins and Amanda and Mattie Eva Masir as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 4, 1906.

For your information there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

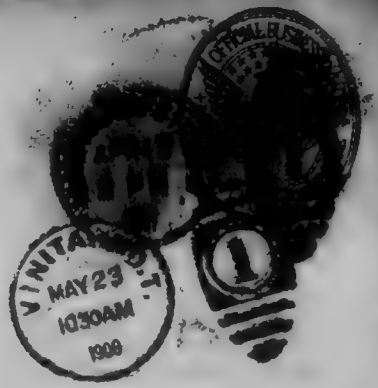
SIGNED.

Wm. O. Beall

Acting Commissioner.

Incl. S-40

Department of the Interior.
Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.



Return to Writer.
UNCLAIMED.

[redacted]
Vinita, Indian Territory.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

REGISTERED
AUG 4 1905
VINITA, IND. TER.

Return to Writer.
UNCLAIMED

121
130

Frank Watkins,

~~Vinita,~~ Indian Territory.

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE $300

Cher Fr R 76

Cher Fr R 76

Department of the Interior.
Commission to the Five Civilized Tribes.
Vinita, I. T., May 10, 1901.

In the matter of the application of Lewis McNair for the enrollment of himself and three children as Cherokee Freedmen; he being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name. A Lewis McNair.
Q Who is it you want to have put on the roll? A Myself and three boys.
Q Yourself and three children? A Yes sir.
Q These children all under 21 years of age? A One is 21.
Q He will have to apply for himself. You apply for yourself and two children? A Yes sir.
Q How old are you? A About fifty years old.
Q What is your postoffice? A Chouteau.
Q In what district do you live? A Cooweescoowee.
Q How long have you lived in the Cherokee Nation? A I stayed inwhere ever since '66. I stayed quite a while here on Big Cabin.
Q Did you live in the Cherokee Nation before the war? A Yes sir.
Q ~~Where~~ And then you were out a while during the war? A Yes sir.
Q Where did they take you? A Took me North.
Q Into Kansas? A Yes sir.
Q Then you came back after the war? A Yes sir.
Q Lived in the Cherokee Nation ever since? A Yes sir, ever since.
Q So you lived here all your life except during the war? A Yes sir.
Q Are you a recognized Freedman of the Cherokee Nation? A Yes sir.
Q Give me the name of your father. A Jacob McNair.
Q Is he dead or alive? A Dead.
Q How long has he been dead? A He has been dead quite a while; along during the war.
Q Give me the name of your mother. A Maria McNair.
Q Is she dead? A Yes sir.
Q How long has she been dead? A Pretty near about the sametime.
Q To whom did you belong before the war? A A man by the name of Nick McNair.
Q Was he a Cherokee citizen? A Yes sir.
Q Where did he live? A Across Grand River.
Q Now, give me the names of your children. A Floyd McNair.
Q How old is Floyd? A He is about 19.
Q The name of the next child? A John McNair.
Q How old is John? A He is about 12 years old.
Q Are these children both living now? A Yes sir.
Q Give me the name of the mother of these children. A Rosa McNair.
Q Is she dead? A Yes sir, she is dead.
Q She was your wife? A Yes sir.
Q How long has she been dead? A Well, about ten years.
Q Was she a Cherokee Freedman? A Yes sir.
Q What was her name when you married her? A Rosa Vann.
Q Give me her father's name. A Sam Vann.
Q And her mother's name. A Rana Vann.
Q Are they both dead? A Yes sir, both of them are dead.
Q How long had you and your wife been married when she died? A I couldn't tell you exactly how long. We had been married —.
Q You don't just remember when you married? A No sir.
Q How long ~~have~~ you and your wife married? A About 25 years ago.

The tribal rolls of the Cherokee Nation examined and the names of the applicants not found thereon; neither is the name of the applicant's deceased wife found on any roll.

Q Did you draw Cherokee strip money? A Yes sir.
Q Did you draw strip money for these children? A Yes sir.
Q Can you account for your name not being on any of the rolls? A No sir, I cannot; I thought I was on the Clifton roll sure.
Q How much money did you draw? A For me and the children.

Q How much? A Well, I couldn't tell you exactly.
Q Was it much or little? A It was a pretty good pile.
Q Did you draw as much as four hundred or five hundred dollars?
A Yes sir, drawed more than that.
Q Who drew the money for you, or did you draw it yourself? A I drawed it myself.
Q You say your wife was a Cherokee Freedman? A Yes sir.
Q To whom did she belong before the war? A To Dave Vann.
Q He was a Cherokee citizen, was he? A Yes sir.
L. B. Bell: Where did you go when you left the nation during the war? A Went to Kansas.
Q When did you come back? A Come back in '66.
Q Who come with you? A I don't know; there was quite a crowd.
Q You can recollect one of them, can't you recollect some that are alive? A When I come back to this country, you see I come back with lot of women; we come through on a train, some come by land. Me and Daly Gibson come through.
Commissioner: What train are you talking about? A When I first come back after I come back here. The train wasrunning when I come back here.
Q Did you come on the train yourself? A Yes sir.
Q To what point did you come on the train? A From there up here ti this little town called Vinita.
Q You come to Vinita? A Yes sir.
Q You got off the cars at Vinita? A I did; the children went below to Big Cabin.
Q Do you know anything about your wife, Rose? A Yes sir, I knowed her.
Q Where was she during the war? A She was in Kansas during the war with her father.
Q Did you marry her up there in Kansas? A Yes sir.
Q She had been there up to the time you married her, had she? A Yes sir.
Q And then after you married her, how long before you and she come down to the Cherokee Nation? A Along in about sixty.
Q About how many years after you married? A We didn't stay there.
Q About how many years? A About two yearsin Kansas.
Q How old was your wife, Rosa, when she died, or how old would she be now? A When I married her she was about 21.
Q It has been shown that you married her about 25 years ago; she would be about 46? A Yes, about 46.

The applicant applies for the enrollment of himself and two children. His wife is dead. He claims to have lived in the Cherokee Nation all his life, except during the war, and to have been a slave prior to the war and during the war of a Cherokee citizen. The rolls have been carefully searched and he is not identified on the 1880 roll, or upon the Wallace Roll, or the Kerns Clifton Roll, or the Census Roll of 1896. It is also obvious from his testimony that he did not return to the Cherokee Nation for a number of years after the war, as he states he came by Railroad train, and it appears that he and his wife were married in Kansas some 25 years ago. Under these conditions, it is not deemed that he has any ground whatever upon which to base a claim for enrollment at this time, and the application for his enrollment as a Cherokee Freedman is listed for rejection. His two minor children, Floyd and John McNair, respectively 19 and 18 years of age, are not identified upon any roll, and it appears from the testimony that they cannot have any right through either their father or their mother. She is not identified on the roll of 1880, and is shown by the applicant's testimony to have lived in Kansas from the time of the war until her marriage some 25 years ago, and also some two years thereafter. Therefore, even if she came after that into the Cherokee Nation, it would be after she had passed her majority some years, and too late to qualify her under the treaty of 1866. These children will, therefore, be listed for enrollment as Cherokee Freedmen on a rejected card.

U. S. A.

The undersigned, being duly sworn, states that he stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

E. Rothenberger

Subscribed and sworn to before me this 19th day of May, 1902.

C. M. Matson

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
1901

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date May 10- 1901

Post Office Tahlequah I.T.

District Coo.

1. Name Lewis McNair Age 50

Owner's name Nick McNair Citizenship Cherokee

Year ... Page ... No. ... District ...

Parents:

Father Jacob McNair (d) Citizenship Cob.

Mother Maria " " Citizenship Cob.

2. Name of wife ... Age ...

Owner's name ... Citizenship ...

Year ... Page ... No. ... District ...

Parents:

Father ... Citizenship ...

Mother ... Citizenship ...

Names of Children:

3. ~~Mackey~~ McNair	Year	Page	No.	Dist.		19
4. Floyd "	Year	Page	No.	Dist.		123
5. John " "	Year	Page	No.	Dist.		
6.	Year	Page	No.	Dist.		
7.	Year	Page	No.	Dist.		
8.	Year	Page	No.	Dist.		
9.	Year	Page	No.	Dist.		
10.	Year	Page	No.	Dist.		
11.	Year	Page	No.	Dist.		
12.	Year	Page	No.	Dist.		

Application made by Lewis McNair Stenographer Gus Thornberger

Continuation of taking of testimony in case of Abraham Ward, C. F. D. #607.

Former portion taken by Stenographer Bruce C. Jones.

APPEARANCES:
Mr. Mellette, of counsel for applicant;
Mr. W. W. Hastings, of counsel for Cherokee Nation.

L. B. BELL, being duly sworn by Commissioner Needles, testified as follows on behalf of Cherokee Nation:

MR. HASTINGS: What is your name? A L. B. Bell.
Q Age? A 62; Vinita.
Q Mr. Bell, when was this railroad, M. K. & T. railroad, built through this country? A 71.
Q When was that first Cherokee payment made after the war? A 75.
Q Do you know whether colored people and all participated in that payment or not?
A Yes, every Cherokee citizen and whole lot that wasn't.
Q That was a general payment? A Yes, that was general payment intended for relief fund for all people living in the Cherokee Nation.

MR. MELLETTE: Did any colored people get pay at that time?
A Yes, I know two that did, they were living with me.

ABRAHAM WARD, the applicant, called, testified as follows in his own behalf:

MR. MELLETTE: What is your name? A Abraham Ward is my name.
Q Are you the Abraham Ward who is an applicant for enrollment as a Cherokee freedman? A Yes sir.
Q Do you know J. L. Ward who has just testified in this case?
A yes sir, I know him.
Q Did you ever make a statement, as testified to by him, that you came heretoo late to become a citizen? A No sir, I did not.
Q Did you make statement, as testified to by him, that you came back in '69? A No sir.
Q Did you hear the testimony of John Ward, the last witness?
A No sir.
Q Did you hear his testimony? A I heard it, yes sir.
Q Did you hear a statement being said of yourself, mother or sister to him? A Yes sir.
Q Where is that sister? A She is dead.
Q How long has she been dead? A About 17 years.

MR. HASTINGS: When was the first time you ever saw Joe Ward after the war? A I saw him when the Cherokees drawed that general payment, what called bred money.
Q What year was that? A I don't remember just what year it was.

Q Well, that is strange? A It was in '70 though I think.
Q Where did you see him? A '78 or '9; saw him right here at Vinita
Q '78 or '9? A yes sir.
Q Along there, saw him here at Vinita? A yes sir.
Q You didn't talk with him?
A yes, we was talking about our boyhood times.
Q Talked to him where you had been?
A No sir, he knew where I had been.
Q We was your young master?
A yes sir, me and himwas about one age.

This testimony will be made part of the record in cases D #608, D #611, D #613, D #425, D615, D#616, D#618, D#619, D#621, D #622, D #623, D #625, D #626, D #605.

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) J. O. Rosson.

Subscribed and sworn to before me this October 14th, 1901.

(signed) T.B. Needles

Commissioner.

I, the undersigned, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes I copied the above and foregoing and that the same is a true and correct copy of the original.

Minnie E. Davis

Sworn to and subscribed before me this the 25th day of February, 1904

Edward Merrick

Notary Public.

Cherokee Freedmen R-76.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Lewis McNair et al., as Cherokee Freedmen.

O R D E R .

The testimony of L. B. Bell, taken in the case of Abraham Ward, Cherokee Freedmen Doubtful 607, is ordered filed with and made a part of the record in this case.

Commissioner.

Dated at Muskogee, Indian Territory.

February 27, 1904.

Cherokee Freedmen R-76.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Lewis McNair et al., as Cherokee freedmen.

D E C I S I O N.

The record in this case shows that on May 10, 1901, Lewis McNair appeared before the Commission at Vinita, Indian Territory, and made application for the enrollment of himself and his two minor children, Floyd and John McNair, as Cherokee freedmen. The testimony of L. B. Bell, taken in the case of Abraham Ward, Cherokee Freedmen Doubtful 607, is filed with and made a part of the record herein.

The evidence shows that Lewis McNair was the slave of a Cherokee citizen at the commencement of the rebellion and was taken out of the Cherokee Nation during said rebellion, but did not return thereto until after February 11, 1867. The only rights that his said children, applicants herein, could acquire are these to be derived from their said father. The said Lewis McNair cannot be identified on the Cherokee authenticated roll of 1880.

It is, therefore, the opinion of this Commission that the application for the enrollment of Lewis McNair, Floyd McNair and John McNair as Cherokee freedmen should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,
this APR

MOTION

For Review of Decision of Commission denying the application for enrollment as Cherokee Freedmen of

---

BLUE & BULGER,
Attorneys for Applicants.

McGOWAN & SERVEN,
Of Counsel.

DEPARTMENT OF THE INTERIOR.

To the Honorable, the Secretary of the Interior:

In the matter of the application of the following named persons for enrollment as Cherokee Freedmen, consolidating the applications of:

Floyd McNair. 1776

MOTION FOR REVIEW OF DECISION.

Come now, by their attorneys; the above named persons who have been denied enrollment as Cherokee Freedmen solely because they or their ancestors were not physically in the Cherokee Nation on August 11, 1866, or within six months thereafter, regardless of attendant circumstances, and move the Honorable Secretary of the Interior to rescind said decision___to readjudicate said cases and to enroll said persons as Cherokee Freedmen for the reason that the evidence shows that said persons or their ancestors were slaves of Cherokee citizens at the commencement of the War of the Rebellion, that during said war they were compelled by circumstances over which they had no control to go out of the Cherokee Nation, but returned within a reasonable time after promulgation of treaty of July 19, 1866, considering the attendant circumstances, as shown by the records of the Department of the Interior, the Department of War and the Commission to the Five — Civilized Tribes.

These records show that these persons were legally residents of the Cherokee Nation on August 11, 1866.

The records of the Commission show that it did not base its decisions in these cases upon proper grounds, but based them upon a supposed bar in Article 9 of the Cherokee Treaty of July 19, 1866, against the consideration of the reasons why a Cherokee Freedman was not in the Nation prior to February 11, 1867.

The records show that these persons were residents in good faith in the Cherokee Nation prior to June 28, 1898.

That applications were made for their enrollment prior to September 1, 1902.

Wherefore we respectfully request that this motion be allowed.

.....

.....

Attorneys for Applicants.

Service of the above motion accepted and a copy of the same received by the attorneys for the Cherokee Nation, at Vinita, I. T., this day of , 1905.

BELL, HASTINGS & DAVENPORT,
Attorneys for Cherokee Nation.

By_____

MDG

COMMISSIONERS
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.
W. E. STANLEY.

ALLISON L. AYLESWORTH.
SECRETARY

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Muskogee, Indian Territory, March 3, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of supplemental testimony in Cherokee Freedmen D 607, Abraham Ward, together with copy of an order of the Commission making this testimony a part of the record in Cherokee Freedmen R 76, Lewis McNair et al.

Respectfully,

Commissioner in Charge.

Enc. D-1.

Cherokee Freedmen
R-76.

Muskogee, Indian Territory, April 30, 1904.

Lewis McNair,

Chouteau, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself and your two minor children, Floyd and John McNair, as Cherokee freedmen, together with a copy of the Commission's decision dated April 20, 1904, rejecting your said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Register

Enc. D-49.

Cherokee Freedmen
R-76.

Muskogee, Indian Territory, April 30, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Lewis, Floyd and John McNair as Cherokee freedmen, including the Commission's decision dated April 20, 1904, rejecting said application.

Respectfully,

Chairman.

Through the Commissioner of Indian Affairs.

Enc. D-51.

M09

COMMISSIONERS
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.
WM. O. BEALL, SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen
R-76.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 30, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, rejecting the application for the enrollment of Lewis, Floyd and John McNair as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Enc: D-50.

(C O P Y ()

Refer in reply
to the following:

LAND.
30082/1904 DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, June 18, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated April 30, 1904, transmitting the record relative to the applications of Lewis, Floyd and John McNair, for enrollment as Cherokee Freedmen. April 20, 1904, the Commission held that the applicants were not entitled to enrollment.

The testimony of L. B. Bell, taken in the case of Abraham Ward, was made a part of the record in this case. The Principal Applicant claims to have been the slave of a Cherokee citizen at the commencement of the Rebellion. He says that he was taken to Kansas during the war and that he returned during the year 1866; that he stayed "quite a while here on Big Cabin" and claims to have returned to the Cherokee Nation " with a lot of women" .... on a train".

He was asked with reference to the train he was testifying concerning, and replied, " When I first came back after I came back here. The train was running when I came back here." He was unable to give the names of any of the persons who returned with him, and he claims to have left the train at Vinita, Cherokee Nation.

Indian Territory.

The construction of the Kansas & Neosho Valley Railroad, now Missouri, Kansas & Texas, was authorized by the Act of July 26, 1866, (14 Stats. , 238), and the construction of the Atlantic & Pacific, now St. Louis & San Francisco, was authorized by the Act of July 27,, 1866, (14 Stats., 292). L. B. Bell testified that the M.K. & T. Railroad was constructed through the Cherokee Nation in 1871. If this applicant returned on the train, it is evident that he did not settle in the Cherokee Nation within the time limit fixed by the treaty, and he is not entitled to enrollment, neither are his minor children on account of descent from him.

It is shown by the record that the applicant married his wife, Rosie McNair, nee Vann, in Kansas. It appears that her parents were slaves of Cherokee citizens ; that they went to the State of Kansas during the war, and the applicant testified that his wife did not return to the Cherokee Nation until after their marriage, which was about twenty-five years prior to May 10, 1901. This being true, the minor children are not entitled to enrollment on account of descent from their mother, as she did not return to the Cherokee Nation before February 11, 1867 .

The approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

A. C. Tonner

Acting Commissioner.

GAW-E

(COPY)

J.P.
FEB

D.C. 21797-1904.
I.T.D.-5098-1904

L.R.S

DEPARTMENT OF THE INTERIOR,

WASHINGTON/.

June 23, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

April 30, 1904, you transmitted the record in the matter of the application for the enrollment of Lewis, Floyd and John McNair as Cherokee freedmen, including your decision of April 20, 1904, rejecting said application.

Reporting June 18, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) E. A. Hitchcock
Secretary.

1 inclosure.

M09

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

WM. O. BEALL,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
R 76

Muskogee, Indian Territory, June 30, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated April 20, 1904, rejecting the application for the enrollment of Lewis, Floyd and John McNair as Cherokee freedmen, was affirmed by the Secretary of the Interior on June 23, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen

1-75

Muskogee, Indian Territory, June 30, 1904.

Lewis McNair,

Choteau, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated April 20, 1904, rejecting your application for the enrollment of yourself and your two children, Floyd and John McNair, as Cherokee freedmen, was affirmed by the Secretary of the Interior on June 23, 1904.

Respectfully,

Commissioner in Charge.

COPY.

Cherokee Freedman
R-76.

Muskogee, Indian Territory, March 2, 1905.

Lewis McNair,
Choteau, Indian Territory.

Dear Sir:

The Commission is in receipt, by reference from the Secretary of the Interior, of your letter of February 14, 1905, asking to be advised as to why your application for enrollment as a Cherokee freedman was denied.

In reply you are advised that your application for enrollment as a Cherokee freedman was rejected for the reasons set forth in the Commission's decision, dated April 20, 1904, and affirmed by the Secretary of the Interior on June 23, 1904, a copy of which was furnished you on June 30, 1904.

Respectfully,

(SIGNED). C. R. Breckinridge.
Commissioner in Charge.

Cherokee Freedmen
R-76

Muskogee, Indian Territory, May 28, 1906.

Lewis McNair,

Chauteau, Indian Territory.

Dear Sir:-

You are hereby advised that the motion filed by your attorneys September 7, 1905, for a review in your Cherokee freedman enrollment case, was dismissed by the Department May 2, 1906.

Respectfully,

Commissioner.

IMC

Muskogee, Indian territory, May 22, 1906.

Blue & Bulger,

Attorneys for Eliza A. Arnold, et al.,

Vinita, Indian territory.

Gentlemen:

You are advised that this office is in receipt of Departmental letter of May 2, 1906, a copy of which is enclosed herewith, denying motions filed by you September 7, 1905 for review in the Cherokee Freedmen enrollment cases of Eliza A. Arnold and others named in said letter.

Respectfully,

Commissioner.

MKP

Muskogee, Indian Territory, May 29, 1906.

Bell, Hastings & Davenport,

Attorneys for Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:-

You are advised that this office is in receipt of Departmental letter of May 2, 1906, a copy of which is enclosed herewith, denying motions by Blue & Bulger, filed September 7, 1905, for review in the Cherokee Freedmen enrollment cases of Eliza A. Arnold and others named in said letter.

Respectfully,

Commissioner.

LMC
Incl. C-2

Cher Fr R 77

Cher Fr R 77

Department of the Interior.
Commission to the Five Civilized Tribes.
Vinita, I. T., May 11, 1901.

In the matter of the application of Andy Fry for the enrollment of himself, his wife, Millie Fry, one child, and his wife's mother, Mary Bean, as Cherokee Freedmen; said Andy Fry being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q What is your name? A Andy Fry.
Q Who is it you want to have enrolled? A Myself, my wife, and one child, and my wife's mother.
Q Why can't your wife's mother apply for herself? A She is too old.
Q Do you want to apply as a Cherokee Freedman? A Yes sir.
Q How old are you? A 66.
Q What is your postoffice? A Vinita.
Q In what district do you live? A Delaware.
Q How long have you lived in the Cherokee Nation? A All my days.
Q Are you on the roll of 1880? A Yes sir, I guess I am.
Q You are a duly recognized Freedman of the Cherokee Nation? A Yes sir.
Q Give me the name of your father. A I don't know my father; Fry was his name is all I know.
Q Give me the name of your mother? A Her name was Harriet.
Q Is your mother living? A No sir.
Q How long has she been dead? A She died during the war.
Q Were you a slave in the Cherokee Nation when the war broke out? A Yes sir.
Q To whom did you belong? A To Mary Clark.
Q You were set free by the war, were you? A Yes sir.
Q Have you ever applied to be enrolled as a Freedman of any other tribe or nation? A No sir.
Q Give me the name of your wife? A Millie Fry.
Q How old is she? A She is 64.
Q How long have you and she been married? A We were married in '68.
Q Was she a slave in the Cherokee Nation when the war broke out? A Yes sir.
Q Give me the name of your wife's father. A I don't know.
Q Do you know the name of her mother. A Her name was Mary Bean.
Q Is she alive? A Yes sir.
Q Give me the name of your child. A Henrietta.
Q How old is that child? A She is 16 years old.
Q Is she the child of this wife? A Yes sir.
Q Is she living now? A Yes sir.
Q Give me the name of your wife's mother. A Mary Bean.
Q How old is this mother? A She is about 107 or 8 years old.
Q Was this Mary Bean a slave in the Cherokee Nation at the beginning of the war? A Yes sir.
Q Has she lived in the Cherokee Nation ever since the war? A All but two years.
Q Where did she live then? A She lived in Kansas; she was backwards and forwards there.
Q What two years was that? A That was along about '70.
Q She claims to be a Cherokee Freedman, does she? A Yes sir.
Q And your wife claims to be a Cherokee Freedman of her own right? A Yes sir.

The 1880 authenticated roll of the Freedmen of the Cherokee Nation examined and the names of the applicant and his wife are found thereon as follows:
Page 252, No. 1074, Andrew Frye, Delaware District.
Page 252, No. 1075, Milly Frye, Delaware District.

Q Is Mary Bean living with you and your wife? A Yes sir.

Applicant: I don't think she is on the '80 roll; she went to see her daughter when that roll was made.

2- A. F.

The name of Mary Bean cannot be identified on the authenticated roll of 1880.

The 1896 census roll of the Freedmen of the Cherokee Nation examined and the names of the applicant, his wife, and child are identified thereon as follows:
Page 650, No. 39, Andrew Frye, Delaware District.
Page 650, No. 40, Milly Frye, Delaware District.
Page 650, No. 42, Henry E. Frye, Delaware District.

The name of Mary Bean cannot be identified on the census roll of 1896.

Q How comes it that your wife's mother is not on the 1896 roll?
A I don't see why; she was here.
Q Was she known by any other name besides Mary Bean? A She goes by that name.
Q How long has she been going by that name? A Ever since I was quite young.
Q You never called her Mary Fry? A No sir.
Q Did your wife's mother draw Cherokee strip money? A I think she did.

The Kerns Clifton Roll examined for the name of Mary Bean, and her name is found on page 119, No. 2967, in Delaware District.

Q Was your wife's mother in Delaware District the time of the strip payment? A Yes sir.
Q How long has she lived in Delaware District? A Ever since in '70; she would go backward and forward in Kansas; she had another daughter there that went insane and she went there to see her until she got disabled to go.
Q Was this Mary Bean ever called Hobbie Bean? A No sir, that is Tom Mayfield's mother.

The Wallace Roll, examined for the name of Mary Bean and her name is found on page 99, No. 2124, Mary Bean, Delaware District.

Q Now, your wife's mother cannot be identified on the roll of 1880, or on the 1896 roll. She seems to be identified on the Wallace Roll, but her identification is very doubtful on the Kerns Clifton Roll. When did she begin going up to Kansas? A She went backwards and forwards all the time after her daughter got insane; I just don't know what time it was.
Q Was she in Kansas during the war? A Yes sir.
Q And did one of her daughters marry up there? A She married here.
Q How about that insane daughter? A She never did come back here.
Q Are you sure that Mary Bean didn't stay in Kansas after the war? A She stayed there some five or six months at a time, backward and forward.
Q What I want to know particularly is what time did she come back to the Cherkee Nation after the war closed? A She came back in the spring of '67; I moved her down.
Q Do you remember that distinctly? A Yes sir.
Q She didn't come back with you and your wife? A No sir, I left her up there.
Q You and your wife came back at what time? A We came back in '66.
Q That time in '66? A October.
Q And you remember distinctly that your wife's mother came the following spring? A Yes sir, she came in the spring, because my daughter went after her.
Q You remember how far in the spring it was? A It was along about May.
Q The trees were all out, were they? A Yes sir.
Q And everything in bloom? A Yes sir.

The applicant applies for the enrollment of himself, his wife, and one child, and also for the enrollment of his wife's mother, who is stated to be 107 or 8 years of age, and unable to apply for herself. The applicant is identified on the rolls of 1880 and 1896 as a Cherokee Freedman. He states that he has lived in the Cherokee Nation all his life, except a brief absence during the war, and he will now be listed for enrollment as a Cherokee Freedman. His wife is identified with him on the rolls of 1880 and 1896 as a Cherokee Freedman. She has lived in the Cherokee Nation all her life, except a brief absence during the war, and she will now be listed for enrollment as a Cherokee Freedman. Their child, Henrietta, is duly identified on the roll of 1896. She is now 16 years of age. She is living, and will be listed for enrollment as a Cherokee Freedman. The mother of the applicant's wife, Mary Bean by name, is identified on the Wallace roll, and she is very indefinitely identified on the Kerns Clifton Roll; she is not on the roll of 1880, nor on the census roll of 1896. It is shown definitely by the testimony of the applicant that this woman Mary Bean, did not return to the Cherokee Nation from the State of Kansas after the Civil War until the Spring of 1867. This was too late to entitle her to enrollment under the treaty of 1866, and she will now be listed for enrollment as a Cherokee Freedman on a rejected card.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct manuscript of his stenographic notes thereof.

E. V. Rothenberger

Subscribed and sworn to before me this 15th day of May, 1906.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAY 11 1901

Acting Chairman

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date May 11 1901

Post Office Muskogee I.T.

District Dele.

1. Name [illegible] Age

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

2. Name of wife Mrs Mary Bruner Age 40 +

Owner's name Citizenship

Year R. Ro. Page 119 No. 2967 District Del.

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

3. Mary Bruner Year Page No. Dist.

4. Year Page No. Dist.

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by Andrew Fry Stenographer C. Thornberg

Cherokee Freedmen R 77.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Mary Bean as a Cherokee Freedman.

D E C I S I O N.

The record in this case shows that on May 11, 1901, Andy Fry appeared before the Commission at Vinita, Indian Territory, and made personal application for the enrollment, among others, of his mother-in-law, Mary Bean, as a Cherokee Freedman. The other parties to the application are differently classified and are not embraced in this decision.

The evidence shows that Mary Bean was the slave of a Cherokee citizen at the commencement of the rebellion; that she went to Kansas during said rebellion and did not return to said Cherokee Nation until May, 1867. The name of the applicant is not found on the 1880 authenticated Cherokee roll.

It is, therefore, the opinion of this Commission that the application for the enrollment of Mary Bean as a Cherokee Freedman should be denied under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby.
Chairman.

(SIGNED) T. B. Needles.
Commissioner.

(SIGNED) C. R. Breckinridge.
Commissioner.

(SIGNED) W. E. Stanley.
Commissioner.

Dated at Muskogee, I. T.,
this JUL 10 1903

COMMISSIONERS
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.
W. E. STANLEY

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedman
R-77

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 22, 1903.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, rejecting the application of Mary Bean for the enrollment of herself as a Cherokee freedman.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Enc. D-10

COPY.

Cherokee Freedman
D-77

Muskogee, Indian Territory, July 22, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Mary Bean for the enrollment of herself as a Cherokee freedman, including the Commission's decision dated July 10, 1903, rejecting said application.

Respectfully,

T. B. Needles
Commissioner in Charge.

Enc. D-11
Through the
Commissioner of Indian Affairs.

COPY.

Cherokee Freedman
R-77

Muskogee, Indian Territory, July 22, 1903.

Mary Bean,

Vinita, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself as a Cherokee freedman, together with a copy of the Commission's decision dated July 10, 1903, rejecting your said application.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. [illegible]

Commissioner in Charge.

Enc. D-9
Register.

(COPY)

Refer in reply to the following:
Land.
46547/1903.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington, Jan. 5, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith for the consideration of the Department, the record of the proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of Andy Fry, for the enrollment of his mother-in-law, Mary Bean, as a Cherokee Freedman.

There are other parties named in said application, but they are differently classified and are not embraced in this decision.

On July 10, 1903, the Commission rendered a decision in this case, finding from the evidence that Mary Bean was the slave of a Cherokee Citizen at the commencement of the Rebellion; that she went to Kansas during said Rebellion and did not return to said Nation until May, 1867; that the name of the applicant is not found on the 1880 authenticated Cherokee roll.

The Commission is then of the opinion by reason of said findings, that the application for the enrollment of Mary Bean as a Cherokee Freedman should be denied, under the provisions of Section 21 of the Act of June 28, 1898, (30 Stats., 495).

I have examined the evidence submitted in behalf of this applicant and consider that she fails to show wherein she is entitled to be recognized and enrolled as a citizen of the Cherokee Nation by reason of being a Cherokee Freedman and having returned to said Nation within the time provided by the Treaty of 1866.

I therefore concur in said decision of the Commission that her application be rejected.

Very respectfully,

Commissioner.

WCB-H

D C No. 1848-1904. (COPY) J.W.H.

I.T.D. 104-1904. DEPARTMENT OF THE INTERIOR, FHE

L.R.S. WASHINGTON.

January 13, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

The Department has considered the Cherokee freedman case of Mary Bean (Cherokee Freedman Roll 77). The record in this case was transmitted by you with your letter of July 22, 1903. On July 10, 1903, you rendered a decision in the matter, rejecting the application of Mary Bean.

You found that Mary Bean was the slave of a Cherokee citizen at the commencement of the rebellion; that she went to Kansas during the civil war and did not return to the Cherokee Nation until May, 1867; further, that her name does not appear on the 1880 authenticated Cherokee roll.

By reason of the facts stated above, you concluded that under the provisions of Section 21 of the act of Congress approved June 28, 1898 (30 Stat., 495), the enrollment of Mary Bean should be refused.

Reporting in the matter January 5, 1904, the Commissioner of Indian Affairs recommends that your action be approved. A

copy of his letter is inclosed.

The Department concurs in said recommendation. Your decision is accordingly affirmed.

Respectfully,

(Signed) Thos Ryan

Acting Secretary.

1 inclosure.

Cherokee Freedman
R 77

Muskogee, Indian Territory, January 20, 1904.

Mary Bean,

Vinita, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated July 10, 1903, rejecting your application for enrollment as a Cherokee freedman was affirmed by the Secretary of the Interior on January 13, 1904.

Respectfully,

Commissioner in Charge.

M84

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen
R-77

Muskogee, Indian Territory, January 20, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 10, 1903, rejecting the application of Mary Bean, Cherokee Freedmen R 77, for enrollment as a Cherokee Freedman was affirmed by the Secretary of the Interior on January 13, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
8-77

Muskogee, Indian Territory, May 28, 1906.

Mary Bean,

Vinita, Indian Territory.

Dear Madam:-

You are hereby advised that the motion filed by your attorneys September 7, 1905, for a review in your Cherokee freedman enrollment case, was dismissed by the Department May 2, 1906.

Respectfully,

Commissioner.

LMC

Muskogee, Indian Territory, May 28, 1906.

Blue & Bulger,

Attorneys for Eliza A. Arnold, et al.,

Vinita, Indian Territory.

Dear Sir:-

You are advised that this office is in receipt of Departmental letter of May 2, 1906, a copy of which is enclosed herewith, denying motions filed by you September 7, 1905 for review in the Cherokee Freedmen enrollment cases of Eliza A. Arnold and others named in said letter.

Respectfully,

Commissioner.

MMP

Muskogee, Indian Territory, May 29, 1906.

Bell, Hastings & Davenport,
Attorneys for Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:-

You are advised that this office is in receipt of Departmental letter of May 2, 1906, a copy of which is enclosed herewith, denying motions by Blue & Bulger, filed September 7, 1905, for review in the Cherokee Freedmen enrollment cases of Eliza A. Arnold and others named in said letter.

Respectfully,

Commissioner.

LMC

Cher Fr R 78

Cher Fr R 78

To be filed with application of Sam Rogers (REJECTED)

Department of the Interior
Commission to the Five Civilized Tribes,
Vinita, I. T. May, 14th 1901.

In the matter of the application of Eliza Rogers for the enrollment of herself and her husband as Cherokee Freedmen; she being sworn by Commissioner C. R. Breckinridge, testified as follows:

Q What is your name? A. Eliza Rogers.
Q Who do you want to have enrolled? A. Just myself.
Q Do you apply as a Cherokee Freedman? A. Yes sir.
Q How old are you? A. 19, going on 20.
Q What is your post office address? A. Ketchum.
Q In what district do you live? A. Delaware.
Q How long have you lived in the Cherokee Nation ? A. All my life.
Q. Are you a recognized citizen of the Cherokee Nation? A. Yes sir.
Q Give me the name of your father? A. Jack Baldridge.
Q Is he living? A. Yes sir.
Q Give me the name of your mother? A. Nancy Baldridge.
Q Is she living? A. No sir.
Q How long has she been dead? A. Going on four years.
Q You are married are you? A. Yes sir.
Q What is the name of your husband? A. Sam Rogers.
Q When were you and he married? A. In 1896.
Q Have you a marriage certificate? A No sir.
Q Is there anyone here that knows that you and he were married?
A Yes sir.

JACK BALDRIDGE, called and sworn as a witness bym Commissioner C. R. Breckinridge, testified on the part of the applicant, as follows:

Q What is your name?A. Jack Baldridge.
Q How old are you? A. I dont know zackley.
Q As near as you can come at it?A. About 46.
Q What your post office ? A. Vinita
Q How long have you lived in the Cherokee Nation? A. All my life.
Q Do you know the applicant here? A. Yes sir
Q Is she your daughter? A. Yes sir.
Q What is her name? A. Eliza.
Q She is married is she? A. Yes sir.
Q To whom is she married? A. Sam Rogers.
Q A colored man? A. Yes sir.
Q He is a state man is he not? A. I dont know sir.
Q Are he and his wife living together? A. Yes sir.
Q About how long has it been since she and Sam Rogers were married?
Q She was married before the Dixon payment.
Q That was in 1896? A. Yes sir.
Q She was married before that? A. Yes sir.

Applicant re-called and examined by the Commission:

Q Why dont you apply for your husband? A. I don't zackley know his age.
Q Where is he? A. At home on Grand river.
Q Don't he intend to apply for himself? A. Yes sir.
Q You and he are living together are you not? A. Yes sir.
Q You had better apply for him? A. Well.
Q About how old, is he? A. About 55.
Q Your husband claims to be a freedman of his own right does he? A. Yes sir.
Q You dont know how long he has lived in the Cherokee Nation do you?
A No sir I dont.
Q How long as far as you know? How long have you known him? A. I have been knowing him for five years or so.
Q Has he been living in the Cherokee Nation ever since you knew him?
A Yes sir.
Q You dont know where he lived before you married him? A. No sir, he said that he lived on Spring Creek, and then on Grand river, and then on Lightening creek.
Q Do you know of [illegible]

Q Do you know of him living anywhere else besides in the Cherokee Nation? A No sir.
Q Do you know his father's name? A. Joe.
Q Is he dead? A. Yes sir.
Q Give me the name of his mother? A. Sarah Glines.
Q Is she dead? A. No sir.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's husband not found thereon.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's mother found thereon as follows: Page 231, No. 500, Nancy Baldridge, Delaware district.

Q Did you draw your Cherokee strip money? A. Yes sir, I drawed my Freedman money.

The Kerns-Clifton roll of the Cherokee Nation examined and the name of the applicant identified thereon as follows: Page 8, No. 199, Eliza Baldridge, Goowebscoowee district.

The 1896 census roll , and the Kerns-Clifton roll of the Cherokee Nation examined the applicant's husband not found thereon.

Q Has your husband been in prison that you know of? A. No sir.

By Com'r Breckinridge,-The applicant applies for the enrollment of herself and her husband as Cherokee Freedmen. She is too young to be upon the 1880 authenticated roll, but her deceased mother is identified thereon, and the applicant herself is identified on the Kerns-Clifton roll; her change of name arising from marriage, is established in a satisfactory manner by the testimony of her father as well as by her own testimony. She has lived in the Cherokee Nation all her life and she will be listed for enrollment as a Cherokee Freedman.
Her husband is shown to have married her some four years ago. It is claimed that he is a Cherokee Freedman in his own right; he cannot be identified upon any roll of the Cherokee Nation in the possession of the Commission, and it is not established that he has lived in the Cherokee Nation, so far as the present testimony discloses, for more than five years. The application for his enrollment will be listed for rejection, he being classed as a Cherokee Freedman.

* * * * * * * * * * * * *

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes thereon.

Chas. von Weise

Subscribed and sworn to before me this the 15th of May, 1901 at Vinita, I. T.

Tams Bixby

Commissioner.

-To be filed with Cher. Freed. R 78

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 21, 1901.

In the matter of the application of Sarah Whitmire for the enrollment of herself and two children as Cherokee Freedmen.

Appearances:
Mellette & Smith, attorneys for applicants:
L. B. Bell, of counsel for Cherokee Nation.

Sarah Whitmire, being duly sworn and examined by Commissioner Needles, testified as follows:
Q What is your name? A Sarah Whitmire; some calls me Sarah Vann, and Sarah Whitmire.
Q How old are you? A I guess about 52
Q What is your post office? A Hayden, I. T.
Q What district do you live in? A Coowescoowee.
Q Now you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A I have got a girl that is kinder mindless and a boy, he is in the penitentiary.
Q Are you married? A Yes, sir.
Q What is your husband's name? A James Whitmire.
Q What are the names of these children? A My husband is dead.
Q What are the names of the Children? A Sam Rogers and Mayy Rogers.
Q How old is Sam Rogers? A 26 years old.
Q He is in the penitentiary? A No sir, it is Will in the penitentiary.
Q What is the matter with Sam; is he crazy? A No, sir, it is Mary.
Q He is all right is he; he must apply for himself. What is the name of the boy in the penitentiary? A William Rogers.
Q Whatis the girls name? A Mary Rogers.
Q How old is William? A 25.
Q How old is Mary? A About 32 I guess?
Q Is William married? A No, sir.
Q Is Mary married? A No, sir, she lives with me.
Mr. Mellette: How old are you? A About 52 I guess.
Q Were you a slave in the Cherokee Nation? A Yes, sir.
Q Before the war? A Yes, sir.
Q Who owned you? A Joe Vann.
Q Was he a Cherokee Indian? A Yes, sir.
Q A citizen of the Cherokee Nation? A Yes, sir.
Q Did you live in the Nation during the war? A Yes, sir.
Q Did you go out? A Yes sir.
Q Where did you go? A Went to Kansas.
Q When did you come back? A In the f all of '66.
Q Who did you come with? A Bill Tucker.
Q Where did you go to? A Down to Spring Creek.
Q Which side of Grank River? A I just can't remember, it is on the west xx side of Grand River.
Q On this side of Grand River? A Yes, sir.
Q Same side that Chouteau is? A Yes, sir it is in Saline District, Spring Creek is.
Q Well girl were you a grown at the time you got back.
A Yes, sir, I was grown and had one child when I came back.
Q What was your father's name? A James Vann.
Q What was your mother's name? A Patsy Vann.
Q Did your mother come back with you? A No, sir.
Q Did your husband come back with you? A Yes, sir.
Q What was his name? A James Vann.
Q What was it you said about Tucker? A Bill Tucker, I came with Bill Tucker and his family and another old man they called Rube Still but he is dead.
Q And you came with your husband? A And my husband was arlong with me.
Q Where have you lived since that time? A Well, I have lived so man places right around here in the Territory.

Q What Nation have you lived in since that? A Just right around here, and I ahve lived on Grand River a while, and on Pryor Creek and now I am living at Lightening Creek.
Q What Nation have you lived in? A I have lived in Saline.
Q Cherokee Nation or Choctaw Nation or Chickasaw Nation? A No. sir, I haven't lived no where but inside the Cherokee Nation ever since I returned back; why I haven't never been no place but right around here in the Nation.
Q Is your name on any roll? A Yes, sir, on the Clifton Roll and the Wallace roll.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicants not identified thereon.

the 1896 census roll of Cherokee Freedmen examined and the applicants not identified thereon.

The Kern-Clifton roll examined, and the applicants identified thereon as follows:

Sarah Whitmire on page 130, No. 3238, Cooweescoowee District, as Sarah Vann:

William Rogers on page 130, No. 3243 Cooweescoowee District, as Will Rogers;

Mary Rogers on page 130, No. 3241, Cooweescowee District.

The Wallace roll examined and the applicants identified thereon as follows:

Sarah Whitmire on page 134 No. 2811, Cooweescoowee District, as Sarah Rogers;

William Rogers on page 134 No. 2812, Cooweescoowee district, as Wm. Rogers.

Mr. Bell: You did you say came back with you? A Bill Tucker.
Q Is that the Bill Tucker that lives on Dabin Creek now up near the Kansas line? A Yes, sir, he is the man.
Q Lives in Cooweescoowee district? A Yes, sir, and another old man they called Rube Still, Harry Still's father he is dead.
Q Anybody else? A And a half sister if mine.
Q Now where did you come to when you first came here? A Over down on Spring Creek.
Q Where did you first come into the nation? A Why down on Spring Creek.
Q Where did you cross the Kansas line? A Why I crossed the Kansas line up here on Russell Creek, I guess it was, Im don't know nothing much, only just left Kansas and coming down here to myold home, and I have been here ever since I came.
Q You didn't stop anywheres then after you crossed into the Nation until you got to Spring Creek? A No, sir, I didn't.
Q And you did stop there, did you? A Yes, sir, I stopped there.
Q How long did you stay there? A I guess I stayed there about three or four years I reckon, I disremember; of course I never did give it a thought, when I was living around, nothing about this exitement going to come up; if I had don't you know Imwould have kept tract of the dates and the month and everything.
Q You didn't then come on down to Fort Gibson and into the Choctaw Nation? A No, sir, I didn't, never went to the Choctaw Nation; my husband would go to Gibdon and haul around there, but I didn't go
Q Did your husband come back with you? A Yes, sir, he came back.
Q What was his name? A Joe Rogers.
Q You and him went and stopped right on Spring Creek, at what house? A I stopped in with my grandmother, old Granny Nannie some calls her.
Q How far is that from Katie Williams? A About ten or 12 miles I guess.
Q You stopped then near down about Joe Vann's old place? A Yes, sir, right to my same old home.
Q How far is that from where Mrs. Archer was living at that time? A About three miles I guess.
Q Was she living right at the old Joe Vann place, or at her own place? A She was living at her own place.
Q Was she there when you lived there? A Yes, sir, I guess she was, I saw here the next spring after we came down.

Q What time was that you say you came back? A In the fall of '66.
Q What month? A I just can't tell what month it was.
Q Was it cold weather? A Yes, sir, it was along in the fall like.
Q And you lived there three or four years before you moved off?
A Yes, sir.
Q Then where did you go to? A Moved up in the Lynch's settlement and stayed there a while and then moved over on Grand River, and then from there went here on Pryor Creek, and stayed there five or six years, and then back over here on Lightening Creek.
Mr. W. W. Hastings, Cherokee attorney: Your husband, Joe Rogers, got killed? A Yes, sir, he got killed.
Q Bill Pigeon, a full blood indian, killed him? A Yes, sir.
Q And he was indicted at Fort Smith in the United States Court for killing him? A Yes, sir.
Q And they sent for you? A Well, I didn't say it; they summoned me to come down there, and of course I had to go; but I never swore at all he was a non citizen here because I knew he wasn't, and they didn't get the man.
Commissioner: What was your maiden name before you were ever married A My maiden name was Pooley, or some called me Sarah.
Q What was your last name? A Sarah Rogers.
Q Before you were were ever married? A Before I ever married?
Q Before you married any man? A My name was Sarah.
Q Sarah waht? A Sarah Vann.
Q What was your first husband's name? A Joseph Rogers.
Q What was your next husband's name? A James Whitmire.
Q Never been married but twice? A Just twice; James is dead.
Mr. Mellette: Now Sarah, you have no children by Whitmire?
A No, sir.

L. D. Daniels, being duly sworn by Commissioner Needles, testified as follows:
Mr. Mellette: What is your name? A L. D. Daniels.
Q What is you age? A 56.
Q Where do you live? A Postoffice, Claremore.
Q Are you on the authenticated roll of Freedmen citizens of the Cherokee Nation? A Yes, sir.
Q Do you know the applicant here, Sarah Whitmire? A Yes, sir.
Q How long have you known her? A I have knowed her something over thirty years.
Q Did you know her husband, Joe Rogers? A Yes, sir, I was well acquainted with him.
Q How long did you know him? A About 36 years, Joe Rogers.
Q When did you first see him after the war? Where did you first see him? A I seen him in Christmas, in '66, at Fort Gibson, at William P. Ross'.
Q Do you know whether he was married to this woman at that time or not? A No, sir, I didn't at that time but I did afterwards.
Q Was she there? A No, sir, he was just there himself.
Q How long after that before you saw her? A It might have been, I don't know really, I believe it was the next summer I think.
Q Did you see Joe off and on after that? A Yes sir.
Q What became of Joe? A He got killed.
Q Well, after you got acquainted with this woman, where did she live? A She lived on Grand River in the district of Saline.
Q Which side of Grand River? A On the east side.
Q Which side of Grand River is Spring Creek? A On the east side.
Q It is not on this side then? A No, sir.
Mr. Ball: Was you issuing rations at the time you saw Joe? A No, sir, I was working for Bill Ross at that time.
Q That was Christmas of '66? A Yes, sir.
Q What was Joe doing at Bill Ross'? He went there to get an order to see if he couldn't kill some beeves for his folks.
Q What time in Christmas was that? A I t was just after Christmas

it must have been about the 28th or 29th of December, '66.
Q How long did he stay there? A Why he came to the fence and asked was there where Bill Ross lived, and I told him yes, and he said he wanted to see him, and I took him in the house; it might have been a quarter of an hour or maybe longer before I found out what he was after.
Q Well he left there then did he? A Yes, sir, Mr. Ross told him he couldn't kill any more beeves, that it was a violation of the law.
Q That was in '66? A Yes, that was in December, the latter part of December.
Q Then had had a law then authorizing the killing of these beeves? A They didn't issue the order whether there was any law or not, they had stopped at that time, the way he told Joe.
Q Wasn't there an act of Council authorizing beeves killed, stray cattle? A I don't know anything about that, Imgot two orders from Mr. Downing in the summer of '66.
Q Do you mean to say that the chief just issued your orders to go out and kill cattle? A I guess so, he told me.
Q That is what you done? A Yes, sir, got an order from Chief Downing, and it was the customs.
Q Well, Joe left then, did he, and went off? A Yes, I fuess he did; I seen him the next summer after that; I was up there and seen him, up to Spring Creek in the Cherokee Nation.
Q Where was he living? A Living right on the old military road that leads to Tahlequah.
Q What place. A Just the other side of old man Vann's between that and the mountain.
Q How fat from old man Vann's? A Might have been a mile and maybe farther and maybe not quite so far.
Q Don't make it so indenfinite; can't you make it a little more definite than that? A I think that is enough.
Q Might have been a mile and might have been more and might have bee less? A It was in the neighborhood of a mile, more or less.
Q Then you saw Joe there the next summer? A Yes, sir, the next summer?

Frank Ross, being duly sworn by Commissioner Needles, testified as follows:
Mr. Mellette: What is your name? A Frank Ross.
Q What is your age? A 53.
Q Where do you live? A Lightening Creek.
Q Are you a Freedman citizen of the Cherokee Nation? A Yes, sir.
Q On the 1880 roll? A Yes, sir.
Q Do you know the applicant, Sarah Whitmire,? A Yes, sir.
Q What was her name before it was Whitmire? A Rogers.
Q Did you know her husband? A Yes, sir.
Q What was his name? A Joe Rogers.
Q How long did you know Joe Rogers? A Knowed him ever since he was a boy.
Q How long have you known Sarah? A Known him ever since she was a girl, raised together.
Q Who was her master? A Joe Vann.
Q Is he a Cherokee indian? A Yes, sir.
Q Do you know when she and her husband, Joe Rogers, returned to this Nation after the war? A I seen them in '60 on Spring Creek.
Q Where is Spring Creek? A East of Grand River.
Commissioner: Seen who? A Joe Rogers and this applicant here.
Mr. Mellette: Where did they live after that? A They moved up on Grand River after that and then moved over on Pryor Creek and then they moved on Lightening where she is living now.
Q What became of Joe Rogers? A He got killed.
Q Who killed him? A Bill Pigeon, a Cherokee.
Mr. Bell: Where were you living at, Frank? A Living down on the old Tom Rider place in '66.
Q That the time you saw this applicant? A Yes, sir I had been down to Tahlewuah and I was coming back home and I saw them on Spring Creek close to old Joe Vann's.

Q What time of the year was that? A In the fall of '66.
Q How long had they been there? A I don't know how long they had been there, it was in the fall when I saw them.
Q Did you stop at their house? A Yes sir, stopped there a little while.
Q Was that house right on the road? A It was close to the road, it wasn't right on the road.
Q Wasn't it half mile from the road? A I don't think it was quite a half a mile.
Q Didn't the old road go by old man Joe Vann's place? A Not right along there; there is two roads, the Tahlequah road and the Fort Gibson road, the Fort Gibson road don't lead in the direction of Tahlequah, and it was the Tahlequah road I was on; there is two Tahlequah roads, one forks and runs up on Spring Creek, and one forks and goes and by this place.
Q That is after youx pass the old man? A Yes, sir, notfar; he lived below the orad,kinder west of the Tahlequah road.
Q Well, didn't you have any talk with them about when they had come? A No, never had any talk about when they came, but I saw them there.
Q You were acquainted with them before? A Yes, sir, I knew Joe Rogers and knew her when we were boys together.
Q And you just happened up on them there? A I came from Tahlequah and stopped in there.
Q How did you know they lived there? A Because I knew they lived there, I heard; I had seen some of his folks and they said they lived there, seen Jess Vann and a lot and they said there was a lot of them living up there on the Creek, Rab and House Rogers, and a whole lot of them living up there.

Katie Vann, being duly sworn by Commissioner Needles, testified as follows:

Mr. Mellette: What is you name? A Katie Vann.
Q What is you age? A 56 years old.
Q Are you a redognized freedman citizen of the Cherokee Nation?
A Yes, sir.
Q Where did you live? A Live at Lenapah.
Q Do you know the applicant here, Sarah Whitmire? A Yes sir.
Q How long have you known her? A Ever since she was a little child.
Q Did you know her owner before the war? A Yes sir.
Q Who was that? A Joe Vann.
Q Do you have any knowledge as to when she came back to the Cherokee Nation after the war? A She came back in '66.
Q How do you know? A I saw them.
Q Where did you see them? A On Spring Creek, in Saline district.
Q Where has she lived since that time, what country? A She moved off over there about the rivers, I don't know whether it was Cooweescoowee district or Delaware district.
Q Have you known her from that time on? A Yes, sir.
Mr. Hastings: Did you go to Kansas yourself during the war?
A Yes, sir.
Q Who brought you back? A Myhusband.
Q What was his name? A Sam Vann, and Jess Vann his brother.
Q What time in the year did you come back? A In the spring of '66.
Q Did you make a crop down there that year, or your husband?
A No, my husband didn't, but my brother in law did.
Q On whose place? A Martha Vann's and Dave Vann's.
Q Did you know Mrs. Archer before the war? A Yes, sir.
Q Know her after the war? A Yes, sir.
Q Where was she living when you came down there? A Living on Grand River on her old place where we left her when we moved out of the country.
Q This woman come back after you did? A Yes, sir.
Q Who brought her back? A Her husband.

Q What was his name? A Joe Rogers.
Q He was a colored man, was he? A Yes, sir.
Q Anybody else come backx with them? A Yes, sir.
Q Who? A William Tucker and his family is all I Know of.
Q That is all you remember?A That is all I can remember of coming back with them.
Q Wheredid they first live? A Lived right across Spring Creek east of where I lived.
Q How far was that from the old Vann place? A Well about two miles I guess, or might be more.
Q What direction? A East; kinder southeast.
Q How far was that from where Mrs. Archer lived? A About four miles, as near as I can guess.
Q How long did Joe Rogers live there? A I don't know, about a year or two.
Q Was he killed there? A No, sir.
Q Where was he killed? A He was killed in this district.
Q Bill Pigeon a full blood indian, kill him? A Yes, sir.
Q He was indicted in Fort Smith? A I don't know about that.
Q You know he was indicted and scouted for it from the United states authorities? A Yes, sir.
Q What Cherokees was living around there at the time that they first located there? A Well, Miss consine.
Q Frank Consine's wife? A His mother, he was with his mother, he wasn't married than, and the Clingans, and Blackbird and Roastenear.
Q Did you testify before the Kern-Clifton Commission for this woman? A No, sir, she had other witnesses.
Q Did theymake a place there? A Yes, sir.
Q And they lived there a number of years, did they? A They lived there about a year or two, I don't know which, they made a little field, small field, and lived there, and made a crop there.
Q Did all the colored people on that place come back here in '66? A I don't know about all of them, but them I seen I know.
Q Do you know any other years but '66? A Yes, sir, I know some years.
Q What year were you married? A I don't know.
Q nWhat year were you born? A I don't know.
Q What year was your oldest child born? A I can't know the year it was.
Q What year was the Wallace Court? A I have got it down in a book.
Q What year was the Wallace Court? A I don't know?
Q What year did the Kern-Clifton Court sit? A I don't know; I Don't want to answer them questions, that is not the kind I am meant to answer; I am here for her, I don't - - -
Q You don't know any dates? A I am not telling any lie at all about it.
Q Do you know one date from another? A Yes, sir, I do, I know some.
Q You don't know any of those dates? A I know some but I don't know all, but I know '66 because they told us about '66 and sent for us.
Q Have they told you about that year since? A No, sir, they sent for us in Kansas to come back here in '66 and the notice went out, and my husband darried the papers out.
Q Was that after the treaty was made? A No, sir, it was before.
Q And the papers was carried out before the treaty? A Yes, sir, for us to come home, that is how come me to know so much about '66, because they all said '66 was the year for us to come home and we would be citizens.
Q Well, this woman didn't come with you? A Well she come in the same year, I know one spring toanother is a year and one fall to another is a year, I always knowed that, and from one Christmas to another Christmas is a year.

Q And you remember 35 years when you saw a person come in the neighborhood? A I can remember when I saw a persons where I saw them; I can't read and write.

Sarah Whitmire, recalled, testified:
Commissioner: Why isn't William Rogers here? A He is in the penitentiary.
Q Where at? A Columbus, Ohio.
Q He is living, is he? A Yes, sir.
Q How long is he sentenced for? A Five years.
Q How long has he been there? A Four years, he hasn't been there four years.
Q Why isn't Mary here? A She can't come here, Mary is kinder mindless, something or 'nother, she has been that way ever since her father got killed.
Q She hasn't got a good mind? A No, sir, she hasn't got any mind at all, and it is a wonder I have any mind.
Q Does she live with you? A Yes, sir, she stays with me.
Q She wouldn't be competent to testify if she was here? A No, sir, she wouldn't.
Q Did Mary come back with you when you came? A No, sir, Mary was born here.
Q William was born here? A Yes, sir, after I came back.
Mr. Hastings: What is William Rogers convicted of? A It is cattle, if he did it.
Q Stealing cattle? A Yes, sir, he denied he did it.
Q Who from? A Lewis Wright.
Q This colored man Lewis Whitmire? A Yes, sir.
Q He is a citizen of the Cherokee Nation isn't he? A Yes, sir.
Q When was he convicted? A It is going on four years now since he was convicted.
Q From stealing from this Lewis Whitmire, who is a citizen here of the Cherokee Nation? A Yes, sir.
Commissioner: You don't know whether Lewis Whitmird is on the 1880 roll or not? A Yes, sir, he is, but of course the United States Court taken the case.
Q Do you know Lewis Whitmire is on the roll of 1880? A Yes, sir.
Q How do you know that? A Have always claimed to be 1880 people.

Commissioner Needles: Sarah Whitmire applies for the enrollment of herself and William Rogers and wary Rogers. She avers that she was the slave of Joe Vann, and that her maiden name was Vann; that she first married one Joe Rogers, by whom she had the two children forwhom she applies. Since the death of Joseph Rogers, she has married to one James Whitmire, who is now living. She presents proof as to her citizenship and that of her husband. She also presents proof of the fact that she returned. She went out of the Cherokee Nation during the war between the United States and the Confederacy, and returned in the year 1866. She is duly identified upon the Kern-Clifton and the Wallace roll, on the Kern-Clifton roll as Sarah Vann, and on the Wallace roll as Sarah Rogers. She cannot be identified upon the authenticated roll of 1880 or the census roll of 1896. She applies for the enrollment of her son, William Rogers, 26 years of age, and avers that he is confined in the penitentiary at Columbus, Ohio, and consequently cannot appear for himself. She avers that said William Rogers is her child by her husband Joe Rogers. He is duly identified upon the Kern-Clifton and the Wallace rolls. He cannot be identified upon the authenticated roll of 1880. She also applies for the enrollment of her child, Mary Rogers, whom she claims is non compos, and not in a mental condition sufficient for her to testify; she is not married and lived

with her, the applicant. Mary Rogers is duly identified upon the Kern-Clifton roll. They are duly identified, by by reason of the fact that the said Sarah Whitmire is not on the roll of 1880, and the further fact of the protest of the Cherokee Nation, said Sarah Whitmire and her two children, Mary Rogers and William Rogers, will be listed for enrollment as Cherokee Freedmen.

Sarah Whitmire, recalled, testified:

Mr. Mellette: Do you remember exactly when that boy was arrested?
A Ask that man (indicating) he said, he knows.
Q I say do you know? A Yes, sir.
Q When was that? A It has been three years ago since he has been arrested.
Mr. Hastings: Where was he tried? A He was tried in Vinita.

Bruce C. Jones, being duly sworn, say that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Bruce C. Jones

Sworn to and subscribed before me this the 29th of June, 1901.

(Signed) T. B. Needles
Commissioner.

I, Finis M. Nicholas, as stenographer to the Commission to the Five Civilized Tribes, on oath states that the foregoing is a true and perfect copy of the original testimony as the same appears of record in the files of the Commission.

Finis M. Nicholas

Subscribed and sworn to before me this December 4, 1902.

B.C. Jones
Notary Public.

-To be filed with Cher. Freed. R 78

File with Cherokee Freedman D-806, Sarah Whitmire.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October 11, 1901.

In the matter of the application of Sarah Whitmire for enrollment as a Cherokee Freedman.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:
Mellette & Smith, attorneys for applicant.
W. W. Hastings, of counsel for Cherokee Nation.

MARY F. ARCHER, being duly sworn by Commissioner Needles, testified as follows:
Mr. Hastings: What is your name? A Mary F. Archer.
Q What is your age, Mrs. Archer? A 67.
Q You mean 67? I believe you said 76 a while ago? A It is 76.
Q What is your postoffice? A Pryor Creek.
Q Mrs. Archer, what was your maiden name? A Mary Vann.
Q What was your father's name? A Joseph Vann.
Q What was your mother's name? A Katie Vann.
Q Was your father living at the time the war came up? A Yes, sir.
Q Where was he living at that time? A On Spring Creek
Q How how far is that from where Chouteau is now? A About eight miles.
Q That is across Grand River, isn't it? A Yes, sir, across Grand River.
Q On which side, east or west? A East of Grand River.
Q Your fatern living there, you say, when the war came up? A living there when the war came up.
Q You were married when the war came up, were you? A Yes, sir.
Q Did you remain in, or did you go out of the Cherokee Nation during the war? A We came back in the Cherokee Nation after the war
Q Did you ever come back in the neighborhood of your old home place on Spring Creek. A After the war, yes, Came rightback.
Q Well, when did you come there? A We came there just a year after the war.
Q Now whith year was that, you mean in the yeaf ' 65 or the year '66? A '66.
Q You came there in '66? A I came to my home; I lived on my father's place one year.
Q Where did you live during the year '66? A I liv ed on my father's place.
Q Now where did you move from there? A To my own home.
Q How far was that from your father's place? A Three quarters of a mile.
Q How long did you live there? A I lived there fifteen, twenty years right there on the same place.
Q Do you know a colored woman that claimed to belong to your father bythe name of Sarah? A Yes, sir.
Q By way of identification, it is the same Sarah who claims to have married a Joe Rogers that Bill Pigeon killed? A Yes, sir.
Q You know of the circumstance of her husband being killed?
A Yes, sir.
Q Then it is the same Sarah? A It is the same Sarah I suppose.
Q I will ask you if she came back and lived at your father's old place on Spring Creek in the fall of '66?
Mr. Mellette: I object to ask that question because it is leading.
Commissioner: You can ask her when she lived there, it is better to have asked when she came back; the question is leading, there is no question about.

A No.

Commissioner: She has answered, no.

Q Now, Mrs. Archer, about what time did you move on this place, of your father's, after the war, what time of the year? A In the sprin
Q Of what year, I mean '65 or '66 or '7? A About '65.
Q And how longdid you live on it? A About a year I think, and then I movdd on, my own place, it was right there though.
Q This woman belonged to your father did she when thewar came up? A Yes, she lived with him when the war came up.
Q Now how long did you say you continued to live on that place within three quarters of a mile of your home place? A I lived on it for about 15 years, maybe longer.
Q Did you ever see this woman, Sarah Vann, who afterwards Joe Rogers, after the war? A Never met her.
Q And yet you lived within three quarters of a mile of the old place? A Yes, sir.
Q I will ask you the direct question whether or not she lived at any time during '66 or afterwards for ten or fifteen years on your father's old place? A No, I don't think she did, I certainly would have heard of her.
Q Could she lived on that place and you living on this adjoining place without your knowing it? A I certainly would have heard of it

Mr. Mellette: Well Mrs. Archer, you say you moved in that neighborhood in '65? A Yes.
Q Well then you changed places in '66, is that the idea? A Yes, about that.
Q Did you travel over the country a good deal after you came there? A No, just around the neighborhood.
Q You didn't see this woman there at all? A No, never met her, never heard of her.
Q As a matter of fact you don't know where she was? A No.

Commissioner: This testimony will be filed with the original testimony testimony in the case, and will also be made part of the record in D-932 and D991.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Bruce C. Jones

Sworn to and subscribed before me this the 25th df October, 1901.

(Signed) C. R. Breckinridge

Commissioner.

I, Finis M. Nicholas, as stenographer to the Commission to the Five Civilized Tribes, on oath states that the foregoing is a true and perfect copy of the original testimony as the same appears of record in the files of the Commission.

Finis M Nicholas

Subscribed and sworn to before me this December 4, 1902.

B O Jones

Notary Public.

Freed D 880

-To be filed with Sher Freed R 76

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 21, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith, Cherokee Nation, by W. W. Hastings.

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F D 898, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Sarah Whitmire D 805

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree, because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Dill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to.

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) P. G. Reuter,
Notary Public.

(SEAL)

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell.

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

IN THE MATTER OF THE APPLICATION OF

Sam Rogers

FOR ENROLLMENT AS

CHEROKEE FREEDMEN

A. Original testimony Kayuse

B Mem. of application " "

Copy of testimony filed with Cherokee Nation.

See Cherokee Freedmen Docket No 816

Cher Fr R 79

Cher Fr R 79

Department of the Interior.
Commission to the Five Civilized Tribes.
Vinita, I. T., May 14, 1901.

In the matter of the application of Martha Ann Downing for the enrollment of herself, her husband, Alexander Downing, and her six children as Cherokee Freedmen; she being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name. A Martha Ann Downing.
Q Who is it you want to have enrolled? A Myself, husband and six children.
Q How old are you? A 31.
Q What is your postoffice? A Ketchum.
Q In what district do you live? A Delaware.
Q How long have you lived in the Cherokee Nation? A All my days.
Q Have you always been recognized as a Freedman of the Cherokee Nation? A Yes sir.
Q Give me the name of your father. A Lewis Rowe.
Q Is he alive? A No sir.
Q How long has he been dead? A I couldn't just tell you; my brother told you just now; I couldn't tell you; he died last year.
Q Give me the name of your mother. A Chaney Rowe.
Q Is she dead? A Yes sir.
Q How long has she been dead? A One year in March.
Q Give me the name of your husband. A Alexander Downing.
Q How old is your husband? A I don't know, sir.
Q As near as you can come, is he older than you? A Yes sir.
Q Is he much older? A Yes sir.
Q Is he as much as 45? A I guess he is about 38 maybe.
Q How long has he lived in the Cherokee Nation? A All of his days.
Q Has he always been a recognized citizen of the Cherokee Nation?
A No sir.
Q Was he ~~absent~~ in the Cherokee Nation before the war? A No sir, I don't think he was.
Q He is a state man, wasn't he? A No sir.
Q Was he a slave before the war? A No sir, Alex wasn't a slave.
Q Where did he live before the war? A I don't know sir; he has been born since the war.
Q He is not old enough to have been a slave? A No sir.
Q Give me the name of his father. A Alex Downing, Reuben Downing's son.
Q Is your husband's father dead? A Yes sir.
Q How long has he been dead? A Well, I don't know; my husband was raised up an orphan.
Q He has been dead a long time? A Yes sir.
Q Give me the name of your husband's mother. A I can't.

Thomas H. Moore, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:
Q Give me your name. A Thomas H. Moore.
Q How old are you? A Forty years old.
Q How long have you lived in the Cherokee Nation? A I have been here all the time since '65.
Q This applicant here is your sister? A Yes sir.
Q Do you know her husband? A Yes sir.
Q What is his name? A Alexander Downing.
Q Do you know his mother? A Slightly.
Q What is her name? A Phoebe Downing.
Q Is Phoebe alive? A No sir.
Q How long has she been dead? A She has been dead - I don't know, Alex was a little boy.
Q Who brought Alex up? A Rebecca Downing raised him.
Q Is Rebecca Downing alive? A Yes sir.
Q And has he a wife? A Yes sir.
Q What is her name? A Jennie Downing.
Q So Rebecca and Jennie brought Alex up? A Yes sir.
Q How long has your sister been married to Alexander Downing?
A Four years, I guess; I don't remember.
Q Haven't they got some children? A Yes sir.
Q Have all these children been born since they were married? A They got three children born to Alex.
Q She was married before she married Alex? A She wasn't married.

but she had a child or two before. She had some children before; yes sir, she was married before and her husband deserted her and she married again.

Commissioner of Applicant: Now, you have in your family six children? A Yes sir.

Q Are these all your own children? A Yes sir.
Q Give me their names and ages? A Ada Rowe.
Q How old is Ada? A 14.
Q Give me the next child? A Washington Rowe.
Q How old is Washington? A About 9 years old.
Q Give me the next child? A Viola Rowe.
Q How old is that child? A She is 8 years old.
Q Give me the next child? A Oliver Downing.
Q How old is Oliver? A I have got the ages here.
Q Give it to me? A (Hands list to Commissioner.)
Q Oliver was born the 15th of April, 1898, three years old? A Yes sir.
Q And then Maudie? A Yes sir.
Q Born in May, 1899, two years old? A Yes sir.
Q Then you got Georgie, a boy or a girl? A It is a boy.
Q Georgie, it was born last December, five months old? A Yes sir.
Q Are these children all living now? A Yes sir.
Q Now, you want thethree older children to keep the name of Rowe? A Yes sir.
Q And the three younger children to carry the name of their father, Downing? A Yes sir.
Q What was the name of your first husband? A Nelson Carter.
Q You have been married only twice, have you? A Yes sir.
Q Is Nelson Carter dead or alive? A I don't know, sir.
Q Did he leave you? A Yes sir.
Q Did you ever get a divorce from him? A No sir.
Q Now, you don't name these first children afterCarter? A No sir.
Q And you took back your own name? A Yes sir.
Q Was your husband, Alex, ever married before he married you? A No sir.
Q How long since you and Alex married? A It will be five years the 23rd of this coming September.
Q He didn't get out a Cherokee license? A No sir.
Q Just got a preacher to marry you? A Yes sir, just got a preacher to marry us.

The 1896 authenticated roll of the Freedmen of the Cherokee Nation examined and the name of the applicant is found on page 303, No. 8116, Martha Ann Rowe, Delaware District.
The 1880 roll examined for the name of her husband and his name cannot be identified thereon.
The 1896 census roll of the Freedmen of the Cherokee Nation examined and the names of the applicants not found thereon.

Q Did you draw Cherokee Strip moneyfor theseschildren? A Yes sir.

The Kerns Clifton Roll examined and the names of the applicant and her two older children are identified thereon as follows:
Page 4, No. 97, Martha Rowe, Delaware District.
Page 4, No. 85, Ada Rowe, Delaware District.
Page 4, No. 84, Wash Rowe, Delaware District.
Viola Rowe not identified on said roll. Applicant's husband not identified on said roll.

Q Did you draw strip money for Viola? A No sir, they couldn't find her name.
Q No, I don't find any record of your husband, Alexander Downing?
A No sir, he never has enrolled, I don't think.

3- M. A. D.

The applicant applies for the enrollment of herself, her husband and six children. She is identified on the 1880 roll and on the Kerns Clifton Roll as a Cherokee Freedman. She has lived in the Cherokee Nation all her life, and her change of name arising from marriage is established in a satisfactory manner. She will now be listed for enrollment as a Cherokee Freedman. Of her children named in the testimony, three are the children of a former marriage and three are the children of her present marriage. Of the first three children, Ada and Washington Rowe are identified on the Kerns Clifton Roll; they are living, and they will be listed for enrollment as Cherokee Freedmen. When she presents the Commission with proper certificates of births of Viola Rowe and of the three children, Oliver, Maudie and Georgie Downing, these four children will also be listed for enrollment as Cherokee Freedmen.

The applicant's husband, Alexander Downing is not identified upon any roll. It is claimed he has lived in the Cherokee Nation all his life, but no ground is found at this time to show that he has any right of himself as a Cherkee Freedman, and he has no claim as a Freedman by intermarriage, for he was married only five years ago and not under a Cherokee license, and his wife has never been judicially divorced from her former husband; therefore, the application of Alexander Downing will be placed upon a Cherokee Freedman card for rejection.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

E. J. Rothenberger.

Subscribed and sworn to before me this 16th day of May, 1901.

Commissioner.

CHEROKEE FREEDMAN.
ENROLLMENT REFUSED.

IN THE MATTER OF THE APPLICATION OF

Alexander Downing.

FOR ENROLLMENT AS

CHEROKEE FREEDMEN

A Original testimony May 11 01.
B Mem. of application " "
cancelled
D.
dc.
c.f.

Copy of testimony filed with Cherokee Motion

Cancelled.

See Cherokee Freedmen Jacket
Vol P 24

Cher Fr R 80

Cher Fr R 80

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAY 15 1901

ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., May 14, 1901.

In the matter of the application of Amanda Walton for the enrollment of herself and four children as Cherokee Freedmen.

Amanda Walton, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your name? A Amanda Walton.
Q Who is it now you want to have put on the roll, yourself and who else? A And seven children.
Q Have you a husband? A Yes, sir.
Q Want to apply for him? A No, sir, he is a non citizen.
Q How many of these children are over 21? A I have three.
Q That brings you down to four children? A Yes, sir.
Q These four children are unmarried? A Yes, sir.
Q You don't apply as a Cherokee Freedman, do you? A Yes, sir.
Q How old are you? A I am about 38 years old I guess.
Q What is your postoffice? A Ketchum.
Q In what district do you live? A Delaware.
Q How long have you lived in the Cherokee Nation? A I have — well I can't tell altogether how long I have lived here but since I have come back to the country I have been here 11 years, will be 12 years the coming August.
Q You lived out of the Cherokee Nation a while before that did you? A Yes, sir.
Q How long? A Well, I can't tell, I don't know just exactly.
Q Where did you live? A I lived here in the Territory before.
Q You said that you came back to the Cherokee Nation about 12 years ago? A Yes, sir.
Q Where did you come from? A Kansas.
Q How long did you live in Kansas? A From the time of the war.
Q Up to twelve years ago? A Yes, sir.
Q You are not on any roll of the Cherokee Nation are you? A No, sir
Q You never drew any money from the Cherokee Nation? A No, sir.
Q Give me the name of your father? A My father was named Dempa Handle, is what I am told.
Q Was he a Cherokee Freedman? A He was a Cherokee indian.
Q Give me the name of your mother? A My mother was named Jennie Landrum, she belonged to the Landrums.
Q She was a Cherokee Freedman was she? A Yes, sir.
Q Is your father dead? A Yes, sir.
Q How long has he been dead? A I don't know.
Q Is your mother dead? A Yes, sir.
Q How long has she been dead? A Well, Idon't know that either, I don't know how long she has been dead, I guess I could find out.
Q How many times have you been married? A Just once.
Q To whom were you married? A Charles Walton.
Q Is he dead? A No, sir, he is living.
Q He is a non citizen: you make no application for him?
A No, sir.
Q When did you marry him, how long ago? A In 1865.
Q Did you marry him in Kansas? A Yes, sir.
Q Did he live with you in Kansas until you came here 12 years ago?
A Yes, sir, we married there.
Q And has he lived with you here since you came, 12 years ago?
A Yes, sir.
Q Give me the names of these four children for whom you apply?
A Rosetta Walton.
Q How old is that child? A She is 18 years old.
Q The next child? A William Dudley Walton.
Q How old is that child? A He is 16.
Q The next child? A John Elder Walton.
Q How old is he? A He is 13.

Q The next child? A Is Nellie May.
Q How old is that child? A She is 11 years old.
Q That is your youngest child? A Yes, sir.
Q Are these children all living now? A Yes, sir, they are all living.
Q Have you or your children ever drawn any money from the Cherokee Nation? A No.
Q Ever been recognized in any way by the Cherokee Nation as Cherokee Freedmen? A No, sir.
Q Have you ever been admitted either through the Cherokee Council or Commission, at Tahlequah? A No, I only went before Agent Bennett, when he was here the first enrolling, I did see him.
Q When was that? A That way, I think Bennett was his name, that was in 1889.
Q Have you ever been admitted by the United States Court or by the Dawes Commission to Cherokee citizenship, you or your children? A No, sir.
Q None of you have ever been admitted in any way, have you, to Cherokee citizenship? A No.

Commissioner: The applicant applies for the enrollment of herself and four children. It is shown by the testimony that neither the applicant nor any of her children have ever been recognized enrolled or admitted to Cherokee citizenship in any manner at any time. Her husband, she states is a noncitizen, and no application is made for him. It appears that she lived in the State of Kansas from the time of the war until twelve years ago, and she is now 50 years of age. Under the facts stated no ground whatever is seen upon which to base a claim for enrollment at this time, and therefore the application for the enrollment of this applicant and the four children named in the testimony will be listed for rejection, they being classed as Cherokee Freedmen.

Q Were your children all born in Kansas? A All but one.
Q All but the youngest? A Yes, sir.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicants not identified thereon.
The 1896 census roll of Cherokee Freedmen examined and the applicants not identified thereon.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribesshe correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 15th of May, 1901.

Commissioner.

D

FOR BD

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JUL 16 1901

ACTING CHAIRMAN.

SUPPLEMENTAL: R-80.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 24,1901.

In the matter of the application of Amanda Walton for the enrollment of herself as a Cherokee Freedman;
AMANDA ALLEN LYNCH, being sworn and examined by Commissioner Needles, testified as follows:

Appearances:
A.S.McRea, Esq., Attorney for the applicant;
W.W.Hastings, attorney for the Cherokee Nation.

BY MR. McREA:
Q Your name? A Allen Lynch.
Q Your age? A I am 61 years old.
Q Post-office? A Vinita.
Q Are you acquainted with the applicant here, Amanda Walton?
A Yes sir.
Q How long have you known her? A Ever since she was 5 years old, about that.
Q Was she born in the Cherokee Nation? A Yes sir.
Q Was she born a slave? A Yes sir.
Q To whom did she belong? A Charles Landrum.
Q Did she go out of the Cherokee Nation during the war of the Rebellion? A Yes sir.
Q Where did she go to? A Went to Kansas somewhere, I don't know where.
Q You know who carried her out? A No I don't.
Q You were acquainted with her mother? A Yes sir.
Q What was her mother's name? A Jennie Landrum.
Q To whom did she belong? A Charles Landrum.
Q Did the mother of the applicant go out at the same time she did?
A Her mother died, it must have been three or four years before the war.
Q About what age was the applicant then? A She wasn't more than a year or a year and a half old, or about 2 years old.
Q In whose charge was she left? A Lewis Rowe's; Lewis Rowe was a step-father of this woman.
Q Did he have the care of bringing her up? A Well I suppose he did, yes sir.
Q Did Lewis Rowe go out during the war of the Rebellion? A Yes sir
Q You know who carried him out, he and his family? A No I don't know who carried them out.
Q You say the applicant when she went out was two or three years old about? A She may have been 5 years old, I couldn't tell exactly how old she was.
Q That was during the war? A During the war, in '62 I believe.
Q Did she ever return to the Cherokee Nation that you know of? A Yes sir, she returned.
Q When? A I couldn't tell you exactly when she returned either.
Q When did you see her? A She never come down in my neighborhood until about 17 or 18 years ago. First time I saw her was about 18 years ago, I reckon.

BY MR. HASTINGS:
Q She married in Kansas didn't she? A I don't know sir, whether she married.
Q Don't know where her children were born? A No sir.

MR. McREA: We admit all that; that's already in the testimony.

Applicant, AMANDA WALTON called and examined.

BY MR. HASTINGS:
Q Where did you first see Jack Landrum after the war? A Here in the Territory.

Q How many years ago? A I can't tell,
Q 10 or 12 years ago? A I think so.
Q Is that your best judgment? A I can't just tell, when I first saw him
Q What is your best judgment? A I can't remember just when I first saw him, it may have been about that time, I don't remember, either right where I first seen him at, it seems like I seen him, yes it was at Lewis Rowe's first time I seen him after I come back.
Q And your best judgment is 10 or 12 years ago? A Yes sir.

JOHN LANDRUM, being sworn by Com'r Needles, testified as follows:

BY MR. McKENNA:
Q What is your name? A John Landrum.
Q What is your age? A 59.
Q What is your post-office address? A Hayden, Lightning Creek.
Q Are you a citizen of the Cherokee nation? A Yes sir.
Name on the authenticated roll of 1880? A Yes sir.
Q Are you acquainted with the applicant here, Amanda Walton? A Yes sir.
Q How long have you known her? A I have been knowing her ever since she was a little child.
Q You know where she was born? A She was born right there on Grand river, at the mouth of Cabin.
Q In the Cherokee nation? A Yes sir.
Q Did you know her mother? A Yes sir.
Q What was her name? A Jennie Landrum.
Q Was she a slave? A Yes sir, she belonged to Charles Landrum.
Q Was he the owner of the applicant here? A Yes sir.
Q Did her mother go out during the war, of the Rebellion? A No sir.
Q What became of her? A She died when she was a small child, baby like
Q Where did she die? A She died there in the Territory, Charles Landrum's place.
Q In the Cherokee nation? A Yes sir.
Q That was before the war? A Yes sir, that was before the war.
Q What became of the applicant here when her mother died, in whose care was she left? A She was left there with the balance of the folks that were there, and when the war broke out in the care of Lewis Rowe, was her step-father.
Q Lewis Rowe was her step-father? A Yes sir.
Q Did he go out during the war of the Rebellion? A Yes sir, time of the war.
Q [illegible] Who carried him out? A The soldiers.
Q Was this girl along with them? A Yes sir.
You know where they went to? A Yes sir. To Ft. Scott.
Q About what age was this girl when she left? A She was between 5 and 6 years old, about 5 years old I guess.
Q When did you next see her in the Territory in the Cherokee nation A Never seen her at all until just here lately, oh yes I did too, I saw her at Lewis Rowe's, that was on a good while ago, I don't remember just what year it was in.
Q Approximately how long ago? A And I haven't seen her from that time until I saw her here.
Q I say approximately how long ago was it you saw her at Lewis Rowe's? A It must have been about 9 or 10 years.
MR. MARTIN: Waives examination.

Applicant, AMANDA WALTON, re-called, and further examined.

BY MR. McKENNA:

Amanda Walton 3

Q Mrs. Walton, where were you when you first had any recollection of yourself? A I was here in the Territory.
Q Here in the Territory? A Yes sir.
Q Was that before the war of the Rebellion? A Yes sir, it was about the time of the war.
Q Have you any remembrance when you went out of the Cherokee Nation? A Yes sir, I can remember when I went out.
Q Who carried you out? A Colored man named Joshua Martin.
Q Who did he go along with? A In company with, I don't remember, they wasn't all colored folks then; my step-father had William take me along at that time, with them.
Q You say they went out with the soldiers? A Yes sir, with a lot of the colored folks that was together, I don't remember; there was lots of wagons together, I remember that.
Q Where did you go to? A Went to Kansas.
Q What prevented you from returning back to the ~~Cherokee Nation~~ Cherokee Nation in '66? A I had nobody to bring me back.
Q You were quite an infant? A I had no parents, I was a girl about, I don't know how old I was of course, I don't know my age, I don't know how old I was at that time when they had to come back, but then I had no parents and when my step-father come backin '65 he left me there with some folks to work for my board and clothes.
Q He hired you out up there? A Yes sir.
Q Did he come back in '65? A He care in'65.
Q For how long did he hire you out, do you know? A No, I don't know, I don't remember for how long. He just put me there with some German people to work for my board and clothes, and he said he would come back after me.
Q Did you marry up there? A Yes sir.
Q How old were you when you married? A I don't know, I guess I was about 14 or 13 , I was very young when I married.
Q What year was that you married? A I married in, let's see, I married in '68 I believe.

BY COM'R KRKDLES:

Q How long did you live there after you married? before you came to the Cherokee Nation? A I lived there until '89.
Q From '68 until '89? A Yes sir.
Q 21 years? A My husband was a state man, and of course he had no desire to come here after I married him.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this July 2, 1901.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION [illegible] CIVILIZED TRIBES,
[illegible]
19 [illegible]

[illegible] ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date May 14, 1901

Post Office Tahlequah I. T.

District Delaware

1. Name ..... Age .....

Citizenship .....

Owner's name .....

Year ..... Page ..... No. ..... District .....

Parents:

Father Rejected Citizenship .....

Mother ..... Citizenship .....

1. Name of wife Amanda Walton Age 50

Citizenship .....

Owner's name .....

Year ..... Page ..... No. ..... District .....

Parents:

Father Dempse Vandle – dead Citizenship Cherokee

Mother Jane Landrum – dead Citizenship Cher. Freedman

Names of Children:

2. Rosetta Walton Year ..... Page ..... No. ..... Dist. 16
3. William O. " Year ..... Page ..... No. ..... Dist. 13
4. John E. " Year ..... Page ..... No. ..... Dist. 11
5. Nellie M. " Year ..... Page ..... No. ..... Dist. .....
7. Year ..... Page ..... No. ..... Dist. .....
8. Year ..... Page ..... No. ..... Dist. .....
9. Year ..... Page ..... No. ..... Dist. .....
10. Year ..... Page ..... No. ..... Dist. .....
11. Year ..... Page ..... No. ..... Dist. .....
12. Year ..... Page ..... No. ..... Dist. .....

Rejected

Application made by M.

Stenographer R. L. Jones

Cherokee Freedmen R-73.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Martha C. Manley et al., as Cherokee Freedmen.

O R D E R.

It is herein ordered that the proceedings had in the matter of the application for the enrollment of Polly Landrum as a Cherokee Freedman, Cherokee Freedmen Doubtful 248, be filed with and made a part of the record herein.

Commissioner.

Dated at Muskogee, Indian Territory,
this February 10, 1904.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
VINITA, I.T. , MAY 10th, 1901.

In the matter of the application of Polly Landrum for the enrollment of herself as a Cherokee Freedman; said Landrum being sworn and examined by Commissioner C.R.Breckinridge, testified as follows:

Q Give me your name? A Polly Landrum.
Q That is your name at the present time is it? A Yes sir.
Q You just apply for yourself? A Yes sir.
Q How old are you ? A Well I am about 74 or 75.
Q What is your post office? A Vinita.
Q In what district do you live? A Delaware.
Q How long have you lived in the Cherokee Nation? A I have lived here all my life.
Q You say your husband is dead? A Yes sir.
Q How long has he been dead? A He has been dead about six years.
Q What was his name? A Rector Landrum.
Q Was he a Cherokee Freedman ? A Yes sir.
Q Were you a slave in the Cherokee Nation before the war? A Yes sir.
Q To whom did you belong? A Paulina Landrum.
Q Are you on the rolls of the Cherokee Freedmen? A On the Clifton roll.
Q Is that all? A That is all, I guess.
Q How long have you borne the name of Landrum, all your life?
A No sir, I belonged to Martin the first place.
Q Have you been called Landrum ever since the war? A Yes sir.
Q Your owner, Paulina Landrum, was a Cherokee citizen was she?
A Yes sir.

The 1880 authenticated roll of freedmen of the Cherokee Nation examined and the name of applicant not found thereon.

The 1896 Census Roll of freedmen of the CherokeeNation examined and applicant's name not found thereon.

The Kerns- Clifton Roll of freedmen of the Cherokee Nation examined and applicant's name found thereon , page 164, #4047, Polly Landrum, Coowescoowee District.

Q How comes you are not on the roll of 1880? A I was here but they didn't take me.
Q Why would not they take you? A I don't know.
Q Well, explain, now, why you were not on the roll of 1880?
A They just didn't find where I was.
Q Could not show that you were entitled to be there? A They didn't come to where I was staying.
Q You didn't apply to be put on, you say? A No sir, I don't guess, I didn't know nothing about it.
Q How comes you are not on the census roll of 1896? Well, now, I will tell you I went in there and I told them that I was a Cherokee Freedman and Mrs. Shelton got up and stated who I belonged to, she knowed me and the way they put it down I don't know.
Q Who is this Mrs. Shelton; what is her full name? A Ann Shelton, Mr. Bell's sister.
Q She stated whom you belonged to? A Yes sir.
Q Is she living now? A Yes sir, I suppose she is; Ain't she, Mr. Bell? (Addressing L.B.Bell),

Q She lives at Vinita, does she? A Yes sir.
Q Did she say that you belonged to Paulina Landrum? A Yes sir, she said I belonged to Aunt Paulina Landrum.
Q Your Mistress was Mrs. Shelton's aunt? A Yes sir.
Q Well, where were you during the war between the North and South? A Why I was at home in the breaking out of the war.
Q Well, where were you ? A Down here on Grand River and then when the soldiers come in there they took me North.
Q Where did they take you? A Took me to Fort Scott.
Q Did you go up there with your family or by yourself?
A With my family.
Q How long did you stay up there? A Stayed there until the war ended.
Q Do you know when it was you came back to the Cherokee Nation?
A They said it was '66 , I don't know.
Q You don't know when you came back? A Come back in '66.
Q You say you didn't knowthat of your own knowledge? A No sir; only just what people told me.
Q When did they tell you that? A Told me that before I started back, well in the first place my husband come down here.
Q He came down here ahead of you ? A Yes sir.
Q About how long did he come ahead of you? A He came here in the fall and then he went back; he Started from there in July,'66, come back to the old home and went back to Kansas after his family.
Q What time did he come back to Kansas after his family ? A That same fall.
Q And you think that was in 1866? A Yes sir.
Q You claim then that you got back to the Cherokee Nation before Christmas in 1866? A Yes sir.
Q Where did you go? A Down here on Grand river.
Q Whom did you live with? A I went over to Simon's and stayed a while.
Q Who is Simon? A Simon Lynch.
Q Colored man? A Yes sir.
Q Is he living? A Yes sir ; he is living, he is here somewhere.
Q Is he here on the ground? A Yes sir, I suppose he is.
Q Did he have a place? A Yes sir; and then I was at Al Lynch's.
Q Was your husband with you? A No sir.
Q At any other places? A No sir.
Q Where was your husband? A He come first.
Q You said he came first and went back and got you? A Yes sir.
Q Didn't he come back with you when you came back? A No sir, he stayed up there, but he come after a while.
Q Who came with you? A My children.
Q What did your husband do back in Kansas to keep him?
A He was working to get something for his family to live on.
Q Which ones of your children came with you? A Mandy, Perry, Tom.
Q Are they all called Landrum? A Yes sir; Martha, them was my oldest ones.
Q They came with you? A Yes sir; Mary, John.
Q Is Mandy living? A Yes sir.
Q Is Perry living? A Yes sir.
Q Is John living? A I guess they is.
Q Are any of them on the roll of 1880? A No sir; I don't guess there is.
Q Are any of your daughter on the roll of 1880? A No sir.
Q Well, is there any witnesses you want to introduce now to prove that you were back here in 1866? A Here is Allen Lynch here.

BY L.B.BELL, Cherokee Representative:

Q Who come along with you when you come down here besides your children? A Well, I come with some strange people.
Q Strange people? A Yes sir.
Q You don't know any of them? A It has been so long I forgot.
Q Did any of these Cherokee Freedmen come along? A The one come with me I know, but he is dead; that was Boney Dan, Dan Landrum.

BY COMMISSIONER BROCKINRIDGE.
Q When did Boney Dan die? A Died in the time of the Smallpox.
Q That was in 1881 or 1882 was it? A (No response.)
Q Who else come with you besides Boney Dan? A His wife.
Q What is her name? A Jane.
Q Is she dead? A Yes sir.
Q Is that allyou can remember? A Yes sir.

BY L.B.BELL:

Q Did you apply to the Kerns-Clifton Commission for enrollment?
A Yes sir.
Q Well, what did you tell them the; where you come to? A I told them I come down to the Allen Ford.
Q Didn't you tell them that you came to Big Creek with Berry Ward?
A No sir.
Q Who was living at the Allen Ford when you come there? A There wasn't anybody.
Q Who was living there where you stopped? A There was some neighbors up to the Pumpkin place where I lived, Jerry Jones for one.
Q Well who else? A I forget his wife's name now.
Q Who did you live with? A Why, I stopped there with Jerry a while and I went over to Lynch's, All Lynch's.
Q Where was he living? A He was living down there in the bottom
Q Oh, well, down in the bottom, whereabouts in the bottom?
A On Grand river.
Q On which side of the river? A On this side.
Q On the west side? A Yes sir.
Q Do you know who lives there now? A (No response)
Q What I am trying to get at if you know where the place was?
A John Brigwell, he owns it now.
Q How long did you live there before you went back to Kansas?
A I stayed there a short time.
Q Well, how long? A Oh, I just can't tell how long.
Q A week? A I stayed there longer than that.
Q A year? A No, not quite a year, I stayed there at that place.
Q Well, give come account of yourself while you were here?
A No response:
Q Well, when you went back to Kansas who went with you? A I don't know who went with me, I tell you it has been so long I just forgot.
Q You say Rock didn't come with you when you come the first time?
A He come first and went back.
Q You say he didn't come with you when you come the first time?
A No, sir, he didn't come with me, I come on with Boney Dan.
Q This Amanda, Sarah and Tom come with you? A Mandy and Perry.
Q How long did they stay here? A They stayed here a long time?
Q Before they went back? SA Yes sir, before they went back.
Q Well, you can't recollect a thing, who took you back to Kansas when you went? A I forget the peoples names.
Q Well, did anybody go with you? A Yes sir, there was some, several went.
Q Were they white folks, Indians or Freedmen? A They was white folks.

Q And then how long did you stay in Kansas before you come back here? A I stayed about a year, and then I come back.
Q And then remained here? A Yes sir; part of the time.
Q Didn't go back to Kansas any more? A Yes sir, I went back to Kansas.
Q Well, how long did you stay that second time when you went back to Kansas? A I stayed about six months.
Q Whom did you stay with? A I stayed with the white folks.
Q Where at? A At Fort Scott.
Q Now, didn't you and Reck have a farm up there? A No sir.
Q Had no property? A No sir.
Q Didn't you live there 12 years without a break? A We had property rented.
Q Didn't you live there 12 years before you come down here at all?
A No sir.
Q Didn't you stay 12 years before you went back? A No sir.

BY COMMISSIONER BRECKINRIDGE.

Q You say you came down to the Cherokee Nation in the fall of 1866? A Yes sir.
Q And stayed a while and then went back to Kansas? A Yes sir.
Q You had left your husband up there? A Yes sir.
Q And on that trip back to Kansas you stayed about six months?
A Yes sir.
Q And then you came back to the Cherokee Nation? A Yes sir.
Q Did your husband come back with you at that time? A Not at the time, but he come after I did.
Q Well, when you came back to the Cherokee Nation the second time how long did you stay in the Nation? A I can't tell how long I stayed.
Q You don't know? A Nosir.
Q Well, then you went back to Kansas? A Yes sir, I went back visiting.
Q How long after you came back to the Cherokee the second time was it before your husband came to the Cherokee Nation?
A I can't tell you how long it was.
Q Did he locate and stay here when he came down here then?
A Yes sir, he stayed here a while.
Q And then went back up to his work in Kansas? A Yes sir.
Q Where did your husband die? A Died in Kansas.
Q What was he doing up there at the time he died? A He was working and took and stroke of Paralysis.
Q Was he farming? A Yes sir.
Q How long had he been in Kansas at the time he died?
A I can't tell you how long.
Q You don't know? A No sir.
Q Well now, can you tell me in a plain, simple way how much of your life you spent in the Cherokee Nation and how much you spent in Kansas? A Well, I spent a great deal of my life here.
Q Now, you seem to remember everything distinctly back before you made these trips to Kansas, but when you come down after theses Kansas trips I can't get anything out of you? A Yes, you can.
Q Well, give it to me? A Well, I stayed maybe six months in Kansas and come back here and stayed a year, and then, well I got out of a little means to go upon, I had my children up there some of them working, to send me my means and then after the railroad want through here, of course I could my little means.
Q Is that what you mean now, is all you can tell me? A What is it?
Q I have asked you, there is no use repeating it. A What is it; I went there and stayed a year and then I come back here, come right back here to this Territory, and then I stayed here three years and then I went back there again to see my husband when he was about to die and then I come back and I stayed.

Q You stayed here? A Yes sir.
Q Did your husband live all the time up there in Kansas?
A No sir.
Q How long had he been living there you say at the time he died?
A I said I was down here.
Q I am not asking you about yourself, I am asking you about your husband? A He was up there about two years, back again.
Q He was there about two years before he died? A Yes sir.
Q Where was he before that? A He was first here and then there, as I tell you he was working.
Q Is your husband on any roll of the Cherokee Nation? A I don't teal you.

ALLEN LYNCH, being sworn and examined by Commissioner C.R. Breckinridge, testified as follows:

Q Give your name? A Allen Lynch.
Q How old are you? A 61 years old.
Q What is your post office ? A Vinita.
Q How long have you lived in the Cherokee Nation? A Well, I have lived here pretty near all my life.
Q Where were you in 1865 and 1866? A In 1866 I was here; in 1865 I was in the Army.
Q Where were you in 1866, at Vinita? A No sir; there wasn't any Vinita then.
Q Where were you? A Down on Grand River.
Q Do you know this applicant here, Polly Landrum? A Yes sir.
Q Do you know anything about when she came back to the Cherokee Nation after the war? A I know when her husband come, not her.
Q When did her husband come? A He come here, I think it wasin the fall, in October, '66 , somewhere along there.
Q And how ~~did~~ long did he stay here? A He stayed here I think about a couple of weeks.
Q And then returned to Kansas? A Yes, sir, he went back to Kansas.
Q About how long after that before you saw him again?
A I never seen him any more for several years, I didn't live down there in that part of the country; I never saw him for several years after that.
Q Where was his wife all that time? A I guess she was in Kansas until she come down here.
Q Well, when did she come down here, so far as you know?
A I really could not say when she did come down here.

POLLY LANDRUM, the applicant-recalled, testified as follows
BY L.B.HELL:
Q Was that the Ally Lynch you said you live with? A Yes sir, I went to his house and lived a while with him.

COMM'R BRECKINRIDGE:- The applicant claims to have lived in the Cherokee Nation all her life except an absence during and immediately following the war between the States. She claims to have been at the time of the breaking out of the war a slave of a Cherokee citizen, and states that she returned to the Cherokee in the fall of 1866 from the State of Kansas. She is not identified on the roll of 1880, or on the roll of 1896. She is identified on the Kerns-Clifton roll. The testimony shows that the applicant has spent at least a part part of her life since the time when she claims to have returned to the Cherokee Nation, in the State of Kansas and her allegations in the early part of her testimony are not supported by her evidence in the subsequent part of her testimony

and the witness with whom she states she lived in the fall of 1866 in the Cherokee Nation does not substantiate her testimony. It is not believed under this state of the case that the applicant is entitled to enrollment, but for the further consideration of her case, giving her the benefit of any doubts there may be, she will now be listed for enrollment as a Cherokee Freedman on a doubtful card, and the final decision of the Commission will be communicated to her at her post office address.

John O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. O.Rosson,

Subscribed and sworn to before me this 11th day of May,1901.
(SEAL)

(Signed) M.D.Green, Notary Public.

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Lona Merrick, being duly sworn, states that she correctly copied the foregoing testimony and that the same is a true and complete copy of the original.

Lona Merrick

Subscribed and sworn to before me this 12th day of February,1904.

John G. Sieber
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
CHELSEA, I.T. June 10,1901.

In the matter of the application of Polly Landrum for enrollment as a Cherokee freedman.

Appearances:
Mellette & Smith, Attorneys for applicant;
W.W.Hastings, of counsel for Cherokee Nation.

Supplemental Testimony.

Columbus McNair, being duly sworn by Commissioner Needles, testified as follows:

Mr. Smith: What is your name? A Columbus McNair.
Q How old are you? A 51.
Q Where do you live? A Vinita.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q Do you know this applicant, Polly Landrum? A Yes, sir.
Q How long have you known her? A All my life.
Q Was she a slave ? A Yes sir.
Q Who did she belong to? A Belonged to Pliny Landrum.
Q That was a woman, was it? A Yes sir.
Q Was she a Cherokee citizen? A Yes sir.
Q An Indian? A Yes sir.
Q Where was Polly here, when the war commenced? A She was down here on Grand River.
Q In what Nation? A Cherokee Nation.
Q Do you know whether she went out of the Cherokee Nation or not during the war? A Well, I don't know whether she was out or not, I wasn't down to Webbers Falls when they went away from there.
Q When did you first see her back in the Cherokee Nation after the war? A I never saw her back here until '67.
Q Where did you see her? A I saw her over on Grand River.
Q You don't know how long she had been back when you did see her?
A No sir, I don't.

Polly Landrum, recalled, testified as follows:

Mr.Hastings. You went back to Humboldt, Kansas, didn't you?
A No sir, I never went to Humboldt.
Q You were living there in 1885, weren't you? A No sir.
Q Didn't you never go back to Kansas? A Went back to Kansas, but never went back to Humboldt.
Q Where did you go? A Went to Fort Scott.
Q When did you go back up there? A It has been about three years since I made a visit up there.
Q When did you go back up there after you came down? A I came down here in the fall of '66, and I never went back up there any more for 15 years, then I went again.
Q Were you married then? A I was married, but my husband died.
Q Where did he die? A He died up there.
Q What town? A Died out in the country.
Q Near what town? A FortScott,
Q What year? A I can't tell about the years.
Q How long after the war? A About a year or two years.

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Mr. Smith: When did you say you first came back to the Cherokee Nation after the war? A In 1866.
Q Who did you come with, if anyone? A Come with, came with Boney Dan Landrum.
Q Who was he? A He was a colored man belonged to Charlie Landrum.
Q What was he to you? A He wasn't anything to me, only fellow servants.
Q Did you have a husband? A Yes sir.
Q Who was your husband? A Rector Landrum.
Q When did Rector come? A I came in '66, and he went back and died, and then I came with this Boney Dan Landrum.

Mr. Hastings: You say you came with Boney Dan the last time? A Yes sir.
Q Boney Dan move his family down that time? A Yes sir.
Q What year was that? A Well I told you in '66.
Q The last time, when you came with Boney Dan? A Yhat was the first time I came.
Q You never lived at Humboldt, Kansas? A No sir.

Mr. Smith: What time in '66 did you come here? A In the fall.

Mr. Hastings: You don't know one year from another? A Yes, but I pretty near forget all I ever did know.
Q You don't know what year you were married? A Now Mr.Hastings, you know darkies don't know nothing about when they married.
Q You don't know what year the Wallace Court was here? A No sir, I don't.
Q You don't know what year the Kern-Clifton Court sat? A No sir.
Q You don't know what year they paid that strip money? A No sir.
Q You don't know one year from another? I ask the people when I want to find aut anything.
Q And that is the way you found out when you came back? A Somebody seventy-five years old, don't you allow me to forget, I have got so old I am getting forgetful.

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Bruce C.Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Bruce C.Jones,

Sworn to and subscribed before me this the 19th of June,1901.

(Signed) T. B.Needles,
Commissioner.

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Lona Merrick, being duly sworn, states that she correctly copies the above and foregoing testimony, and that the same is a true and complete copy of the original.

Lona Merrick

Subscribed and sworn to before me this 27 day of February,1904.

John G. Fiebes.
Notary Public.

Supplemental D-248, Cherokee Freedmen.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T., June 11, 1901.

In the matter of the application of Polly Landrum for enrollment as a Cherokee freedman.

SUPPLEMENTAL TESTIMONY.

APPEARANCES:

Mellette & Smith, attorneys for applicant;
J. S. Davenport, of counsel for Cherokee Nation.

James Landrum, being duly sworn by Commissioner Needles, testified as follows:

MR. SMITH: State your name? A James Landrum.
Q What is your age? A 53.
Q Where do you live? A Vinita.
Q Do you know this applicant Polly Landrum? A Yes sir.
Q Is she related to you? A No; by marriage.
Q She married your uncle? A I married her niece.
Q How long have you known Polly Landrum?
A Ever since I was a little boy.
Q How old are you? A Between 53 and 54
Q Do you know where Polly was during the war? A Yes sir.
Q Where was she?
A She was in Linn County, Mound City, Kansas.
Q Where was she when the civil war commenced?
A Down here on the river.
Q Which river? A Grand River.
Q Where? A She lived at Tom Landrums.
Q Was that in the Cherokee Nation? A Yes sir.
Q Was she a slave? A Yes sir.
Q Who did she belong to? A Belonged to Tom Landrum.
Q Was he a Cherokee Indian? A Yes sir.
Q Citizen of the Cherokee Nation? A Yes sir.
Q Do you know when Polly Landrum first returned to the Cherokee Nation after the war? A I don't know when she first returned to the Cherokee Nation, but I know when I first seen her.
Q When did you first see her? A In '66.
Q Where? A Down on Grand River at the Pumpkin place.
Q Where was the Pumpkin place? was that anywhere in the Cherokee Nation? A Yes sir.
Q Where has she been living since that time as far as you know?
A Why since that time she has been living here in Vinita I think.
Q Do you know how long she has lived in Vinita?
A She has been living in Vinita about twenty years, I think.
Q Where was she living after you saw her in 1866 before she went to live at Vinita? A She was living before '66?

Q No, after you saw her in 1866 , before she went to Vinita?
A Well, I don't know, I only seen her there at the Pumpkin place when I use to be passing on the river; I cant tell you that.
Q Do you know how long she was there at the Pumpkin place?
A No sir.
Q Did you see her there more than once? A Yes sir.
Q About how long was she there as well as you remember?
A Well, I seen her as long as I stayed around there then.
Q How long was that?
A About two months I think, I seen her off and on.

MR. DAVENPORT: When was that you saw her at the Pumpkin place?
A In '66.
Q How do you know it was in '66? A I knew it was.
Q How did it happen you were down there in '66?
A I moved to this country in '66.
Q When did you go back out of this country?
A Why, I went back about that time I reckon, I reckon it was about that time.
Q You are the same fellow who was examined over there who has been living at Mapleton, Kansas?
A No sir, No, I never lived in Mapleton, Kansas.
Q Arn't you the same fellow I asked youdif you know F. D. Myrick?
A No sir.
Q Where did you go when the war broke out? A I went to Kansas.
Q What part of Kansas? A Fort Scott, Lynn County.
Q Who went with you? A Nobody.
Q Who came back with you? A When I came to this country, Al Lynch, Simon Lynch, a man by the name of Lou Vitteteau, George Rockwell, Arch Landrum--
Q They all came back with you? A Yes sir.
Q Now about what year did you come back with reference to that fight on Horse Creek? You come after that or before?
A We came right at the same time but we came another route.
Q Did you come the same year that fight was? A I suppose it was.
Q Had it occurred when you came down here?
A I think we were here first before that Horse Creek fight was.
Q Do you know whether or not you heard of it when you came, or whether it took place after you came? A Yes, I believe I did.
Q Which was it now? A I th ink we came before the Horse Creek fight
Q How long do you think you had been here when that fight took place? A I cant remember.
Q Had you been here a month or two?
A I don't think it was that long.
Q Aunt Polly didn't go with you out of the country?
A She went about the same time we all went to Kansas.
Q Did she go to the same place? A She stopped at Mound City, she stopped first at Fort Scott and then we all were sent on back farther north to Lynn County.
Q And she didn't go on? A I don't know whether she did or not.
Q You went on? A Yes sir.
Q And you stayed up there near Fort Scott for several years?
A No sir, I stayed to Mound City, I didn't stay at Fort Scott.
Q You stayed there until about 1870? A Until I went in the army.
Q You were mustered out at Leavenworth? A Yes sir.

MR. HASTINGS: Comes now the representative of the Cherokee Nation and requestes that the number of the witness' enrollment be made a part of the record .

MR. SMITH: That is certainly incompetent and irrelevent.

COMMISSIONER: I don,t think that would be competent to put in here. The Commission takes knowledge of the fact that the witness is listed for enrollment on D card 664.

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Bruce C. Jones, being duly sworn says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) Bruce C. Jones.

Subscribed and sworn to before me this the 21st of June 1901.

(signed) T. B. Needles
Commissioner.

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I, the undersigned, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes I copied the above and foregoing testimony and that the same is a true and complete copy of the original.

Ina Merrick

Sworn to and subscribed before me this 12th day of Feb, 1904.

John G. Sieber
Notary Publ.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
VINITA, I.T., October 3, 1901.

In the matter of the application of Polly Landrum for enrollment as a Cherokee freedman.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:
Mellette & Smith, Attorneys for applicants;
W.W.Hastings, of counsel for Cherokee Nation.

L.B.BELL, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A L.B.Bell.
Q Your post office is Vinita? A Vinita, age 52.
Q Do you remember a colored woman who applied before this Commission in May here at Vinita, under the name of Polly Landrum?
A Yes sir.
Q You represented the Nation in the cross examination of that case? A When she applied, yes sir.
Q Did you know her husband? A Yes.
Q What was his name? A Well his name was Beck Adams, or Beck Landrum.
Q Well, she also went by the name of Polly Adams, or Polly Landrum? A Well yes; that Polly Landrum part the first time I ever heard it was when she came here, I knew them before that from the very first I can recollect, they belonged to my grandmother and went to one of her daughters in the division of the estate; the way they got the name of Adams, old Beck's daddy was named Adam, and there was five or six brothers among the m, and when they came back from Kansas they had all took surnames and they came back here by the name of Adams; the first I knew of them calling themselves by the name of Adams was '68 or '9 when I began to see them here; that was old Adams' family, I never did see Beck and his family here till about the Wallace roll; but that Polly Landrum and Polly Adams is the same one.

Mr. Smith. How did she get the name of Landrum? A Well, her mistress was a Pauline Martin, an aunt of mine, she married first a man named Nicholson, then her name was Nicholson, and then he died and then she married a man named Landrum, and then her name was Landrum.
Q Did she own this Polly? A She owned Polly and Beck both.
Q Up to the time of the war? A Yes, right up to the war.
Q Was she living here, Polly, at the time the war commenced?
A Yes right here at the mouth of Rock Creek.
Q Your aunt was a citizen of the Cherokee Nation? A Yes, sir, and her husband too.

O.P. WATSON, being duly sworn by Commissioner Needles, testified as follows:
Q Mr. Hastings: What is your name? A O.P.Watson.
Q What is your age, Mr. Watson? A 69.
Q Where do you live? A Mound City, Kansas.
Q How long have you lived there? A Since '67.
Q Mr. Watson, did you know a colored woman up there who went by the name of Polly Adams? A Yes sir.
Q Did you know her husband? A Yes sir.
Q What was his name? A Hector Adams.
Q When did you first learn to know this family? A Well, I don't know as I can remember the date, it was along in '67 or '70, along in there. I think ever since they have been there. I can't tell the time she came, it was in an early day time.

Q What time with reference to the closing of the war do you think it was? A I think it was soon after the close of the war.
Q Well, how long did you know them there? A I have known them ever since.
Q Is PollY's husband, Rector, alive? A No sir.
Q When did he die? A I think he died 6 or 7 years ago.
Q Where? A At Mound City.
Q Kansas? A Yes sir.
Q Was the rest of them living up there at that time? A They were.
Q Did they live there since directly after the war when you first knew them up to his death? A Yes sir.
Q Is Polly up there now? A I don't think she is, I haven't seen her for some time.
Q About how long? A Oh perhaps maybe two or three years, perhaps longer, 4 years or 5.
Q Now up to a short time ago, say two or three years, have you seen her there at frequent intervals since you first knew her directly after the war? A Yes sir, I have seen her occasionally along, of course I saw the people, I was in business there and I met the m in the store occasionally as I did everybody.
Q You never missed them away? A Never missed them away.
Q What business were you engaged in? A Mercantile business.
Q Did they have some children? A Yes sir.
Q You remember any of them? A I remember two of them. There were sold older girls that were married, I don't remember them.
Q They had some children there with them, did they? A Yes sir.
Q You know whether they owned any land or property there? Reck Adams owns a good farm there.
Q You know whether he was living on it when he died? I think he was.
Q You say that your best judgment is he died five or six years ago I believe? A Yes sir.

Mr. Smith: Mr. Watson, you don't know anything about this Polly Landrum prior to 1867? A No sir.
Q Have you lived all the time at Mapleton since 1867? A I lived at Mound City, yes sir.
Q Well, how far did this man, Reck Adams live from Mound City?
A Three or four miles I think.
Q Well, what year did you become acquainted with this woman?
A Well sir, I can't give the year exactly.
Q You didn't go to Mound City till '67, is that right? A '57.
Q Now you don't know how long it was after the war before you first knew this woman? A No sir, I can't tell exactly, I presume I knew them pretty soon after they came there, so many came in there, I knew them as I did most of them.
Q Do you have any distinct recollection with reference to this woman? A No sir, not particularly, I know they lived there a good many years.
Q But just how long since they commenced to live there, you can't state postively? A I can't state positively.
Q During the time they were living there you didn't know very much about them, you didn't see them often? A I saw them often, Mr. Reck Adams was rather a prominent man.
Q You didn't know the children? A I do know two of the boys.
Q You know their names? A One was Thomas and one was John .
Q You don't know any other children? A I have seen them but I am not personally acquainted with them.

Q Don't you know of your own knowledge whether this woman Polly Landrum has been there all the time from the time you first knew her, whenever that was, until three years ago, or two years ago? A Why she might have been gone as anybody would be to go off on a visit, but she still lived there in the country and I saw her quite often, as I saw a great many people as they came in to do business with me.
Q She was just, in your impressions now, one of the number of people who came about your store from time to time? A Yes, just same as anybody that lives in the country and I have business with.
Q You don't know when she left there? A It was sometime I think about '80 or '81 or '2 that she began to be coming down here and proving up her claim, I talked to Mr. Adams about it one time, and she was talking about coming down here at that time to the Cherokee Nation about her claim.
Q Well did she come? A I don't know whether she did or not.
Q You say she is not living there now? A I don't think she is.
Q She hasn't been for some years? A I saw her I think about perhaps one or two years ago she was on the street.
Q Don't know whether she was living there or not at that time ?
A No sir, I can't say.

Mr. Hastings: About how large a place is Mound City, Kansas?
A Mound City I think is between eight or nine hundred people.
Q About what was its population say '66 or '7; when it was started?
A It was started about '68.
Q How many stores they have say after the war, '66, '7 or '8, along there? A Three or four.
Q Very small place? A It was a good business place, there was lots of business down there at that time.

J.J.Hawkins being duly sworn by Commissioner Needles, testified as follows:
Mr. Hastings.
Q What is your name? A J.J.Hawkins.
Q What is your age? A I will be 63 the 9th of next March.
Q Where do you live? A Mound City, Kansas.
Q How long have you lived at Mound City, Kansas. A About ten years
Q You mean the past ten years? A Yes sir.
Q Did you know a colored man up there by the name of Reck or Rector Adams? A I did, sir.
Q Where did he live? A He lived south of Mound City.
Q About how far? A Well perhaps four or five miles.
Q Did he have a wife? A He did, sir.
Q Do you know her name? A I heard her name, by occupying the position I did in the county.
Q What was that? A County Clerk.
Q Well, what was it ? A Polly Adams.
Q About how long ago did you become acquainted with Rector Adams, the husband? A Well, I got acquainted with him after I was occupying the position of clerk.
Q When was that? A That was in '91 I was elected.
Q Was he living out there at this same place? A Yes sir.
Q On a farm? A Yes sir.
Q Have other members of his family besides his wife? A Yes sir.
Q Do you remember any of them? A I do, sir.
Q What were their names? A Has one boy named James, or Jim they call him, the other boy I am acquainted with him but I don't know his name.
Q Is Rector Adams alive? A No sir.
Q When did he die? A Well, I can't tell you when he died, he died five or six or seven years ago I don't know exactly when.
Q He died up there on that place; where did he die?

A He died I presume at his home; I don't know where he died.
Q Have you seen his wife since then? A No sir, I haven't.
Q Well, what is your judgment as to how long you knew him before he died, this man Adams?
A I knew him several years before I was elected County Clerk, I lived in the County before I was elected County Clerk, seven miles northwest of Mound City, six miles west , six miles west and a mile north, and I wasn't acquainted with him until after I was elected Clerk, but I have heard of Rock Adams before I came to live in Mound City.
Q I believe you stated he owned property, owned a farm?
A Yes sir.
Q Mr. Smith.
Q What is your name? A J.J.Hawkins.
Q What is your post office? A Mound City, Kansas.
Q Mr. Hawkins, your first knowledge of the prople you testified about began in '91 you say? A No sir.
Q When? A I heard of Rector Adams before that.
Q I am not talking about what you heard, I am talking about what you know? A Well I knew Rector Adams after I was elected County Clerk of Lynn County.
Q That was in 1891? A Yes, sir, fall of 1891.
Q You didn't know Rector Adams or his wife either before that?
A Not personally, no sir.
Q Then you only knew at that time Rector Adams and his wife were living in Kansas; you don't know how long he had been living there of your own knowledge? A No sir, not before '91 I don't know.
Q How long did you live there? A I lived in Lynn County 33 years last July.

Mr. Hastings.
Q How long have you lived in Mound City? A Ten years.
Q And prior to the time you went there you lived near Mound City?
A Well, I was living in two different places in the County.
Q It was out of town? A It was out of town, yes sir.

--------oOo--------

Bruce C.Jones, being duly sworn, says that as stenographer to the Commissioner to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Bruce C. Jones.

Sworn to and subscribed before me this the 10th of October,1901.

(Signed) T.B.Needles,
Commissioner.

---------oOo---------

Lona Merrick, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she copied the above and foregoing testimony, and that the same is a true and correct copy of the original.

Lona Merrick

Subscribed and sworn to before me this 2nd day of Feb.1904.

John L. Sieber.

Notary Public.

Cherokee Freedmen R-80.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Amanda Walton et al., as Cherokee freedmen.

D E C I S I O N.

The record in this case shows that on May 14, 1901, Amanda Walton appeared before the Commission at Vinita, Indian Territory, and made application for the enrollment of herself and four minor children, Rosetta, William D., John E. and Nellie M. Walton, as Cherokee freedmen. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on June 24, 1901.

The evidence in this case shows that Amanda Walton was the slave of a Cherokee citizen at the commencement of the rebellion; that she was taken out of the Cherokee Nation during said rebellion and did not return thereto until after February 11, 1867. It is further shown that her minor children herein were born subsequent to the last mentioned date; that their father is a non-citizen, and that they claim right to enrollment through their said mother.

None of the applicants herein are identified on the Cherokee authenticated roll of 1880.

It is, therefore, the opinion of this Commission that the application for the enrollment of Amanda Walton, Rosetta Walton, William D. Walton, John E. Walton and Nellie M. Walton as Cherokee freedmen, should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this _____

COPY

Cherokee Freedmen
D-60.

Muskogee, Indian Territory, April 30, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Amanda, Rosetta, William D., John F. and Nellie M. Walton as Cherokee freedmen, including the Commission's decision dated April 20, 1906, rejecting said application.

Respectfully,

Chairman.

Through the
Commissioner of Indian Affairs.

Enc. D-42.

M89

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.
WM. O. BEALL,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen
R-80.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 30, 1904.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, rejecting the application for the enrollment of Amanda, Rosetta, William D., John E. and Nellie M. Walton, as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

End. D-41

Cherokee Freedmen
R-80.

Muskogee, Indian Territory, April 30, 1904.

A. S. McRea,
Attorney for Amanda Walton et al.,
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of the application for the enrollment of Amanda, Rosetta, William D., John E. and Nellie M. Walton as Cherokee freedmen, together with a copy of the Commission's decision dated April 20, 1904, rejecting said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby

Chairman.

Register
Enc. D-40.

COPY.

Cherokee Freedmen
R-80.

Muskogee, Indian Territory, April 30, 1904.

Amanda Walton,
Ketchum, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, rejecting the application for the enrollment of yourself and your four minor children, Rosetta, William D., John E. and Nellie M. Walton, as Cherokee freedmen. Your attorney, A. S. McRea, Muskogee, Indian Territory, has this day been furnished with a copy of the record of proceedings together with a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.

Chairman.

Register
Enc. D-39.

(C O P Y)

Refer in reply to
the following:
Land.
30079-1904.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, June 8, 1904.

The Honorable,
The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated April 30, 1904, transmitting for your consideration the application for the enrollment of Amanda Walton et al, as Cherokee Freedmen.

April 20th, 1904, the Commission rejected the application.

From an examination of the evidence in the case, it appears that on May 14, 1901, at Vinita, I.T., the said Amanda Walton made application to the Commission for enrollment of herself and her four minor children, Rosetta Walton, eighteen years old; William Dudley Walton, sixteen years old; John Elder Walton, thirteen years old; and Nellie May Walton, eleven years old.

The principal applicant Amanda Walton, was the slave of George Landrum, a Cherokee citizen during the war of the rebellion and was taken into the State of Kansas, and she did not return to said Nation, actually or constructively, prior to February 11, 1867.

The names of none of the applicants are found on the 1880 authenticated Cherokee Roll.

It is therefore recommended that the action of said Commission rejecting the application of Amanda Walton, Rosetta Walton, William D. Walton, John E. Walton and Nellie M. Walton be sustained.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

J.T.N.

W.

(C O P Y)

J.P.

FHE

D.C.20780-1904.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

June 16, 1904.

I.T.D. 4742-1904.

L R S

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

April 30, 1904, you transmitted the record in the matter of the application for the enrollment of Amanda Walton, et al. (F.R-80), as Cherokee freedmen, including your decision of April 20, 1904, rejecting said application.

Reporting in the matter June 8, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) E. A. Hitchcock,

Secretary.

1 inclosure.

Cherokee Freedmen
R. 80.

Muskogee, Indian Territory, June 25, 1904.

A. S. McRea,
Attorney for Amanda Walton,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated April 20, 1904, rejecting the application of Amanda Walton, for the enrollment of herself and her four minor children, Rosetta, William D., John E. and Nellie M. Walton, as Cherokee Freedmen, was affirmed by the Secretary of the Interior on June 16, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedman

R. 80.

Muskogee, Indian Territory, June 25, 1904.

Amanda Walton,

Ketchum, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision, dated April 20, 1904, rejecting your application for the enrollment of yourself and your four minor children, Rosetta, William D., John E., and Nellie M. Walton, as Cherokee Freedmen, was affirmed by the Secretary of the Interior on June 16, 1904.

Respectfully,

Chairman.

M09

COMMISSIONERS
TAMS BIXBY
THOMAS B NEEDLES
C H BRECKINRIDGE

WM O BEALL
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedman
R. 80.

Muskogee, Indian Territory, June 25, 1904.

W.W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory,

Dear Sir:

You are hereby advised that the Commission's decision, dated April 20, 1904, rejecting the application of Amanda Walton, for the enrollment of herself and her four minor children, Rosetta, William D., John E., and Nellie M. Walton, as Cherokee Freedmen was affirmed by the Secretary of the Interior on June 16, 1904.

Respectfully,

Chairman.

DEPARTMENT
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 8 1901

Chelsea, Indian Territory, June 8th, 1901.

Received of the Commission to the Five Civilised Tribes one copy of the testimony in the matter of the application of Amanda Walton et al for enrollment as Freedmen of the Cherokee Nation.

A. S. McRea

Attorney for Applicants.

Cherokee F. #280.

Cher Fr R 81

Cher Fr R 81

HARVEY MARTIN—ENR REJECTED.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. May 15th 1901.

In the matter of the application of Arthur Martin for he enrollment of himself and one child as Cherokee Freedmen; He being sworn by Commissioner T. B. Needles, testified as follows:

Q What is your name? A. Arthur Martin.
Q What is your post office address? A. Adair.
Q In what district do you live? A. Coowescoowee
Q How old are you? A. 35.
Q Do you want to be enrolled as a Cherokee Freedman? A. Yes sir.
Q Have you ever applied to be enrolled as a member of any other tribe or nation? A. No sir.
Q Have you ever been recognized by the Cherokee authorities as a Cherokee Freedman? A. Yes sir.
Q Is your name on the roll of 1880? A. ~~xxxxxx~~.Not as I know of.
Q Is your name on the Kerns Clifton roll? A Yes sir.
Q Who do you want to have enrolled besides yourself? A. Myself and one child.
Q What is your child's name? A. Harvey.
Q How old is he? A. 13.
Q What is your wife's name? A. Missy.
Q Is she a citizen? A. Yes sir.
Q Do you apply for her? A. No sir she is done come in
Q She has been enrolled has she? A. Yes sir.
Q What is your fathers name? A. Nelson Martin.
Q Is he living? A. No sir.
Q What is the name of your mother? A Kenny.
Q Is she living? A. No sir.
Q Are you a brother of Harvey Martin who has just enrolled? A. Yes sir
Q What is the name of this child's mother? A. Ary Hall.
Q Is she a citizen? A. No sir.
Q Were you married to Ary Hall? A. No sir, I was just staying with her
Q You never lived with her as your wife? A. No sir.
Q Never were recognized by the neighbors as man and wife? A. No sir
Q Ary was just running round and you staid with her and thought that this was your child? A. She said it was mine.
Q Your citizenship is in the same condition as your brother Harvey's is it? A. Yes sir.
Q Have you any further evidence to offer in regard to your citizenship other than your brother Harvey offered in his? A. No sir they is just the same.

The 1880 authenticated roll ~~of~~ and the 1896 census roll of the Cherokee Nation examined and the name of the applicant not thereon.

The Kerns Clifton roll of the Cherokee Nation examined and the name of the applicant identified thereon as follows:
Page 127 No. 3169, Arthur Martin, Saline District.
Page 127, No. 3174, Harvey Martin, Saline District.

By Com'r Needles,- Arthur Martin applies for the enrollment of himself and a boy named Harvey Martin whom he avers to be his child. His name is not found on the authenticated roll of 1880, but is found on the Kerns Clifton roll; his son Harvey is also found on the Kerns Clifton roll and they are duly identified thereby. Applicant avers that Harvey Martin is his son by one Ary Hall a new citizen to whom he was never married. He also avers that his status as to citizenship is the same as that of his brother Harvey Martin who made application for himself and family just prior to this application and whose card is Freedman N.280, consequently the testimony taken in N. 280 is referred to and will be made a part of the record in this case, and he will be listed for enrollment as a Cherokee Freedman on a favorable card for the reason that the name cannot be found on the authentic

cated roll of 1880 and for the further reason that this application for enrollment is contested by the Cherokee Representatives present. No proof is presented as to the citizenship of the mother of his child, Harvey, whom he avers is also the child of one Ary Hall, a non-citizen, and no marriage is proven or acknowledged, between the applicant and the said mother of the child Harvey, consequently the applicantion for the enrollment of his child Harvey will be rejected.

* * * * * * * * * *

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilised Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas von Weise

Subscribed and sworn to before me this the 20th of May, 1901 at Vinita, I. T.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAY 15 1901

ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date May 15, 1901

Post Office Adair I.T.

District Cooweescoowee

1. Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

2. Name of wife ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

Rejected

Names of Children:

3. Harvey Martin Year 96 Page 27 No. 3174 Dist. Delaware 12

4. ..... Year ..... Page ..... No. ..... Dist. .....

5. ..... Year ..... Page ..... No. ..... Dist. .....

6. ..... Year ..... Page ..... No. ..... Dist. .....

7. ..... Year ..... Page ..... No. ..... Dist. .....

8. ..... Year ..... Page ..... No. ..... Dist. .....

9. ..... Year ..... Page ..... No. ..... Dist. .....

10. ..... Year ..... Page ..... No. ..... Dist. .....

11. ..... Year ..... Page ..... No. ..... Dist. .....

12. ..... Year ..... Page ..... No. ..... Dist. .....

Rejected

Application made by Arthur Martin, Father Stenographer Lulu von Wiese

X Mark

C.F.D. 280.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., May 15th 1901.

In the matter of the application of Harvey Martin for the enrollment of himself, his wife and four children, as Cherokee Freedmen; he being sworn by Commissioner T. B. Needles, testified as follows:

Q What is your name? A. Harvey Martin.
Q How old are you? A. 28 or 29.
Q What is your post office address? A. Adair.
Q What district do you live in? A. Cooweescoowee.
Q Are you a recognized citizen of the Cherokee Nation? A. I claim to be.
Q Is your name on the roll of 1880? A. I dont know as it is.
Q Who do you want to have enrolled? A. Just my family.
Q How much family have you? A. Four.
Q Four what, children? A. Yes sir.
Q Have you a wife? A. Yes sir.
Q What is your wifes name? A. Curtie.
Q How old is she? A. 26.
Q Is she a Cherokee Freedman? A. Yes sir her mother belonged to the Cherokees.
Q Is your wifes name on the roll of 1880? A. No sir.
Q Is your name on any of the rolls of the Cherokee Nation? A. On the Wallace and Kerns rolls.
Q Is your wife on any of the rolls? A. I think she is on the Wallace.
Q What are the names of your children? A. Jordan.
Q How old? A. 8.
Q Next? A. Perry.
Q How old? A. 6.
Q Next? A. Mable.
Q How old? A. 3.
Q Next? A. Golatha.
Q How old? A. One year.
Q What is your fathers name? A. Nelson Martin.
Q Is he living? A. No sir.
Q Is his name on the roll of 1880? A. No sir I think not.
Q What is your mother's name? A. Henny Martin.
Q Is she living? A. No sir.
Q Is her name on the roll of 1880? A. No sir.
Q What is your wife's father's name? A. Penn Majors.
Q What is your wife's mother's name? A. Phyllis Majors.
Q Is her name on the roll of 1880? A. I dont know as it was.
Q Was your father a slave? A. Yes sir.
Q To whom did he belong? A. To Joe Martin.
Q Was Joe Martin a Cherokee citizen? A., Yes sir.
Q Was your mother a slave? A. Yes sir.
Q Who did she belong to? A. Joe Martin.
Q Was this Joe Martin a Cherokee citizen by blood? A. Yes sir.
Q Where was your father and mother taken to out of the Cherokee Nation during the war? A. I dont know.
Q What proof have you that your father and mother are citizens? A. I has my witnesses.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicants not found thereon.

The 1896 census roll of the Cherokee Nation examined and the name of the applicants not found thereon.

The Kerns-Clifton roll of the Cherokee Nation examined and the name of the applicant identified thereon as follows:
Page 127, No. 3168, Harvey Martin, Saline district.

Q Did you draw Cherokee Strip money for your wife? A. No sir but I

drawed for my boy Jordan.

The Kerns-Clifton roll of the Cherokee Nation examined and the the name of the applicant's sone identified thereon as follows Page 127, No. 3175, Jordan Martin, Saline district.

Q Where were you born? A. Over on Grand river.
Q In the Cherokee Nation? A. Yes sir.
Q Always lived in the Cherokee Nation? A. Always lived here.
Q Living here now are you? A. Yes sir.

ANDERSON LYNCH, called and sworn as a witness by Commissioner T. B. Needles, testified as follows on the part of the applicant:
(Examined by Com'r Needles)

Q What is your name? A. Anderson Lynch.
Q How old are you? A. 64.
Q Are you a recognized citizen of the Cherokee Nation? A. Yes sir.
Q Is your name on the roll of 1880? A. Yes sir.
Q As a Cherokee Freedman? A. Yes sir.
Q Do you know the applicant here? A. Yes sir.
Q Did you know his father? A. Yes sir.
Q What was his father's name? A. Nelson Martin.
Q Did you know his mother? A. Yes sir.
Q. What was her name? A. Henny Martin.
Q Is she living? A. No sir.
Q Was Nelson Martin a slave? A. Yes sir.
Q To whom did he belong? A. Joe Martin.
Q Was he a Cherokee citizen by blood? A. He was.
Q Was Nelson Martin taken out of the Cherokee Nation during the war?
A Yes sir.
Q Where to? A. Kansas.
Q When did he return to the Cherokee Nation from Kansas after the war? A. He came to my place in '66.
Q Was you living there then---came to where you was living in 1866?
A Yes sir, in the fall of '66.
Q Did he remain in the Cherokee Nation after that till he died? A. Yes sir.
Q Was his wife Henny with him when he came to your place? A. Yes sir.
Q Has she been a slave before the war? A. Yes sir.
Q Who did she belong to? A? To the same man.
Q Joe Martin? A. Yes sir.
Q Nelson and Henny Martin were this applicant's father and mother?
A Yes sir.
Q And they came back to the Cherokee Nation in 1866? A. Yes sir.
Q And lived here after that until they died? A. Yes sir.
Q Do you know Harvey Martin to be their child? A. Yes sir.
Q Did you know his wife's father and mother--his wife Gurtie? A. Her mother was named Phyllis Majors, yes sir I knowed her, but I dont know who her father was.
Q His wife is name Gurtie and her mother was named Phyllis Majors?
A Yes sir, she is dead, Gurtie's mother.
Q Was she a slave? A. Yes sir.
Q Who did she belong to? A. I dont know the name.
Q Do you know where she was in '66? A. No sir.

By L. B. Bell, Cherokee Representative.

Q What place were you living on in '66? A. The Charles Landrum place, on this side of the river.
Q How long did you live there? A. That winter and the next year I crossed the river and went on the Lynch place.
Q When did you get back here? A. I came back in '66.
Q Did you see Lon Lynch in '66? Do you know him? A. I know him, yes sir, I rented a place from him.

Q You saw him in '66 did you? A. I think I saw him in '66.
Q You must have seen him if you rented a place from him? A. Yes sir.
Q What time in that year did you rent that place from him? A. It was in the Spring like.
Q You say Nelson Martin come to your place? A. Yes sir.
Q When? A. In the fall of '66.
Q Well what part of the fall, there is three months of fall, was it the middle or early or late in the fall? A. Frost was falling when he come down.
Q Did he settle there? A. He never settle right away, he rented.
Q Where did he rent? A. He rented a place from me.
Q Where was that place he rented from you? A. On the Old Harrison place.
Q In Saline district? A. Yes sir.
Q The other side of the river? A. Yes sir.
Q That was in the year 1867? A. It must have been along there.
Q Then what became of him? A. Then he moved from there and went and made a place where the scrapers are living, there he got a place from Watt Johnson.
Q How far was that from where you were living? A. About four miles.
Q Was that on Lynch's prairie? A. Yes sir, near there.
Q Where did you make a crop in 67? A. I didn't make a crop that year at all, I rented it to old man Nelson Martin.
Q Do you recollect when you moved from the Landrum place to the Harrison place? A. Must have been in '67 I dont know just exactly what month it was as I never kept no track of it.
Q You cant recollect when you crossed the river? A. It was the next year after I saw Nelson Martin.
Q Well if you saw him in 66 that would be in 67 wouldn't it? A. Yes sir.
Q And you say you moved from the Landrum place to the Lynch place after you had rented the Harrison place to Nels. Martin? A. Yes sir.
Q When was that? A. The fol lowing year after he come there --he come that late fall or winter and staid with me and camped out and then he made a crop the next year.
Q You are certain that Nelson Martin made a crop on the old Harrison place in the year 1867? A. Yes sir as near as I can reason it out.
Q Do you think he brought his family with him when he came to your house? A. Yes sir.

FILMORE HICKS, called and sworn as a witness by Commissioner T. B. Needles, testified as follows on the part of the applicant:

Q What is your name? A. Filmore Hicks.
Q What is your age? A. 53.
Q What is your post office address? A. Vinita.
Q Are you a recognized citizen of the Cherokee Nation? A. Yes sir.
Q By blood? A. Yes sir.
Q Do you know Harvey Martin? A. Yes sir.
Q Did you know his father? A. Yes sir.
Q What was his name? A. Nelson Martin.
Q Was he a slave? A. Yes sir.
Q To whom did he belong? A. Joe Martin.
Q Was Nelson Martin taken out of the Cherokee Nation during the war?
A Yes sir, he was away.
Q When did you first see Nelson Martin after the close of the war?
A My first recollection of seeing him after the war was at Crep Lynch's place--on the old Landrum place.
Q In the Cherokee Nation? A. Yes sir.
Q Was this applicant here, his son? A. Yes sir.

By L. B. Bell:

Q Where did Nelson Martin settle first after you saw him that first time? A. My recollection is that he settled at the old Harrison place, that is, made a crop there.
Q Then you dont know for a certainty that he did make a crop there? A I am not certain that he did, seems to me that he did, I wont be positive; I know that I saw him there at Crap Lynche's, but I did not examine about the crop.
Q Do you know anything about Nels. Martin's family in 1866? A He was the only one that I saw.
Q When did you first see Nels. Martin's family in the Cherokee Nation after '66 or including it? A I saw them at the Harrison place, at Crap's.
Q That was in '67 wasn't it? A. I think it was the next year after I had seen Nelson the first time.
Q You stated that they rented a place, or made a crop, as far as you know in '67? A. Yes sir.
Q In the winter of '66 when you saw Nels. Martin first you didn't see his family? A. No sir.
Q Your first recollection of them was in the year following? A. Yes sir.

By Commission:

Q Did you know Harvey's mother? A. Yes sir.
Q What was her name? A. Henny.
Q Was she a slave? A. Yes sir.
Q Was she with Nelson Martin when you saw him in '66? A. I didn't see the family then, just saw him.
Q Do you know Harvey's wife? A. No sir I dont.
Q You are positive that you saw Nelson Martin here in '66? A. Yes sir.
Q Was his family with him? A. I didn't see them.

APPLICANT re-called, examined by Commissioner:

Q When did you father die? A. Last February a year ago.
Q When did your wife's mother die? A. She has been dead a long time.
Q You dont know why your father's name was not on the roll of 1880? A No sir I dont.

By Com'r Needles,-
Harvey Martin applies for the enrollment of himself, his wife, Gurtie, and four children, Jordan, Perry, Mable and Golatha; his name and the name of his wife cannot be found upon the authenticated roll of 1880; he is identified on the Kerns-Clifton pay roll, and his oldest son, Jordan is also identified on the Kerns Clifton roll. The name of his wife cannot be found upon any of the rolls of the Cherokee Nation in the possession of the Commission, from the information given by the applicant. They make satisfactory proof as to residence. Consequently the said Harvey Martin, and his wife Gurtie, and their four children, Jordan, Perry, Mable and Golatha, will be listed for enrollment as Cherokee Freedmen on a doubtful card awaiting the further consideration of the Commission. It will be necessary for him to file with this Commission satisfactory proof of the birth of his three youngest children, Perry, Mable and Golatha they not having been identified upon any of the rolls. When the Commission arrives at a decision as to the rights of the said Harvey Martin, his wife and children, he will be notified by mail at his post office address.

Harvey Martin.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas. van Weise.

Subscribed and sworn to before me this 17th of May, 1901 at Vinita, I. T.

C. R. Breckinridge,

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., Feb. 4, 1903.

I, Florine B. Hatch, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I copied the testimony and proceedings in the above stated case and that the same is a true and correct copy of the original on file with this Commission.

Florine B Hatch

Sworn to and subscribed before me this 4th day of February, 1903.

Charles M. Sawyer

Notary Public.

Freed D--280.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of Harvey Martin for the enrollment of himself as a Cherokee Freedman.

Applicant appears by Lewis T. Brown; Cherokee Nation W. W. Hastings.

W. W. Hastings: The Cherokee Nation offers in evidence a judgment of the Supreme Court of the Cherokee Nation in 1871 as found in a book taken from the records of the Executive Department of the Cherokee Nation, entitled: "Docket of Doubtful cases for Cherokee citizenship tried in 1871 as follows: No. 70, Nelson Martin and family, decided against June 8, 1871."

Lewis T. Brown: Applicant objects to the introduction of this record for the reason that first, it is not proven that either the applicant or his father ever applied to that court for admission to citizenship and for the further reason that it is not shown that the Nelson Martin referred to in that judgment is in any way related to the applicant.

Commission: The same will be filed and taken for what it is worth.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

E. G. Rothenberger.

(SEAL)

Subscribed and sworn to before me this 16th day of June, 1902.

P. G. Reuter
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., Feb. 3, 1903.

I, Florine B. Hatch, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I copied the testimony and proceedings in the above stated case and that the same is a true and correct copy of the original.

Florine B Hatch

Subscribed and sworn to before me this 4th day of February, 1903.

Charles H Saunders

Notary Public.

File with Harvey Martin, C.F.D.-~~200~~.

SUPPLEMENTAL: C. F. D-197, Jennie Martin.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October 2, 1901.

In the matter of the application of Jennie Martin for enrollment as a Cherokee Freedman.

TESTIMONY ON PART OF THE CHEROKEE NATION.

Appearances:
J.F.Faulds, Esq., Attorney for the applicant:
J. S. Davenport, Esq.,of Attorneys for the Cherokee Nation.

Commissioner Breckinridge: The record shows that notice of the taking of testimony was delivered to the applicant on the 25th day of September, 1901, testimony to be taken this day at Vinita; notice delivered by John Parks, Marshal of the Cherokee Nation.

G. W. CLARK, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A. G. W. Clark.
Q How old are you? A I am 58 years old, going on 59.
Q What is your post-office address? A Vinita.
Q How long have you lived in the Cherokee Nation? A All my life.

BY MR. DAVENPORT:

Q Where were you living at the breaking out of the war, Judge? A On Grand river; I was mustered out of the service on the last day of May, '65, and come there and was married there on the 8th day of June, and remained there ever since.
Q Did you know Uncle Joe Martin before the war? A Yes sir. And I lived neighbor to him after the war.
Q Did you know a slave, Nelse Martin, that belonged to him?A.Yes sir.
Q You know whether or not he went out of the Nation during the war? A Yes sir, he went North during the war, refugeed with the balance of the people and went to Kansas.
Q Did you see Nelse Martin after the war? A. Yes sir, he went back in the neighborhood where I settled sometime after the war.
Q Did he carry his family when he went out during the war? or did he have a family? A Yes sir, I think his whole family went with him.
Q How when did he come back? A He moved back in the spring of '68; I think he came down on a visit in the fall of '67 and then he moved back in '68.
Q Did you learn from a conversation with him what place he went during the war, whether he went to Kansas, Missouri or where? A He was in Kansas.
Q And he moved his family back in the spring of '68? A Yes sir.
Q Did you know the names of any of his family? A I guess I remember the names of most of them; he had a large family.
Q Did he have a girl named Jennie? A Yes sir, she married a fellow named Fred Martin; he used to belong to Joe Martin; he is a young black fellow, no he is not so young now.
Q Did he have a son named Harvey? A Yes sir, he had one named Harve, but there's several before him.

BY COM'R BRECKINRIDGE:

Q Where did you say you knew Nelson Martin? A He moved right back there in the neighborhood.
Q Did you know him before the war? A Yes sir, I had seen him before the war.
Q Who did he belong to? A He belonged to old Uncle Joe Martin; he had him from the old Aunt Lucy Martin Homestead.
Q Where did you see Nelson Martin during the war? A I didn't see him during the war, he went to Kansas.
Q Where were you during the war? A I was in the Northern Army.
Q Were you in the Territory here? A Yes sir all the time, we were stationed there at Fort Gibson about two years after we got in there; we refugeed back south in the States of Arkansas and Missouri down in there and then we come to Gibson in the spring and were stationed there practically all the time until I was mustered out there last day of May '65.
Q Your old home, how far was that from Gibson? A About 18 miles from Gibson.
Q Did Nelson Martin live near you? A No sir, he lived up on the river near where I live now.
Q You were mustered out at Gibson? A Yes sir on the last day of May, '65.
Q And the first time you saw Nelson Martin after the war was in the spring of '68? A I think he came down on a visit in the fall of '67, and then he moved in the spring of '68.
Q Where were you living in the spring of '68? A I was living on what is known as the Six Mile Bottom on Grand river, about 4 or 5 miles from where he settled when he come back, he settled on the place below there about 4 or 5 miles on the river.
Q How do you know he came back from Kansas when you saw him in the spring of '68? He moved back here with a couple of bay ponies and he come over there to do some work for me, he was running out of provisions, and he worked off and on for me for years and years.
Q How do you know he just come back from Kansas? A He said he come back from Kansas, he said he lived in Kansas and went on and told me what he was doing up there.
Q He said he just come back? A Yes sir, well I believe I saw him when he first come back. I know I did, there was 3 or 4 of them together.
Q Who was with him? A There was an old colored man that used to belong to old Joe Lynch, called him Steve Lynch.
Q He was with him? A Yes sir.
Q Is he living now? A No sir, he is dead, and Nelson is dead too.
Q Nelson had a son named Fred? A No sir, son-in-law.
Q Jennie Martin, was she his daughter? A Yes sir, she married this Fred Martin.
Q Married a man of the same name? A Yes sir, but they belonged to the same man, but they wasn't no kin; this old uncle Fred Martin, this Fred Martin's father, his name was Fred too, and he belonged to Uncle Joe Martin and Jennie did too; Jennie was old Nelson Martin's daughter and Fred was Fred Martin's son.
Q How old was Jennie when you saw her father Nelson in the spring of '68? A She was then, just a chunk of a girl like.
Q That was before her marriage? A Yes sir.
Q Nelson you say is dead? A Yes sir.
Q Did he continue to live in the Cherokee Nation from '68? A Yes sir, he continued to live right close to me, not a quarter from my fence.
Q How long has Nelson been dead? A I think about 2 years ago this spring.
Q And Jennie came back with him? A Yes sir, she moved back with him.

Jennie Martin (sup'l)
Q Had quite a large family? A Yes sir, quite a bunch of children that was under age, and then he had one John, I think he come afterwards, but he got into a fighting scrape and was killed in the neighborhood there.
Q Has this Jennie lived in the neighborhood ever since she came here? A Yes sir, I think so, and her family has lived right there in the neighborhood near me.

R. L. MARTIN: being sworn and examined by Commissioner Breckinridgem testified as follows:

Q Give your full name, please? A R. L. Martin.
Q How old are you? A Going on 54.
Q What is your post-office? A Pensacola.
Q How long have you lived in the Cherokee Nation? A All my life.
BY MR. DAVENPORT:
Q Your father was named Joe Martin was he Mr. Martin? A Yes sir
Q Do you know whether or not your father owner a slave a slave at the breaking out of the war named Nelson Martin? A Yes, he did.
Q Were you old enough to remember him then? A Oh yes.
Q You know whether or not Nelson Martin, together with his family, left the Cherokee Nation during the war? A Yes, they left.
Q Did your father leave the Nation during the war? A Yes, he went South.
Q Well When did you and your father return to the Cherokee Nation after the war, or did you return? A He come back in November '66, and I come with him.
Q Did you ever see Nelson Martin after the war, or any of his family A Yes.
Q When did you see them with reference to the time you returned after the war? A As well as I can remember it was in '67,they came there on a visit.
Q It was after you and your father returned from Texas was it? A Yes sir, The next year.
Q Did he have his family with him at t hat time? A No, hadn't moved here yet.
Q Did he bring his family after that? A Yes, the next year as well as I can remember; that is, he said he was going to move down.
Q When he came to your place on a visit, what, if anything, was said by him as to where he came from when he came there? A He came from Kansas, he said.
Q Then he went away again did he? A Yes sir.
Q And afterwards brought his family? A Moved down after that; I don't know just how soon or how long, as well as I can remember it was the next spring after that.
Q Do you remember the names of any of the members of his family?
A Yes sir, I remember a good many of them.
Q Can you name any of them? A Yes sir, I can name Art and Harvey and Isabel.
Q You know whether or not he had a daughter Jennie? A Jennie,and I believe that's all I remember that's living.
Q Nelson Martin is dead now himself is he? A Yes sir.
Q Do you know any one who came down with him when he moved his family Mr. Martin? A No, I didn't see them.
BY COM'R BRECKINRIDGE:
Q You say Nelson Martin belonged to your father? A Yes sir.
Q Where did Nelson go during the war? A He went to Kansas.
Q When was it you first saw him after the war? A As well as I can remember it was in the spring of '67.
Q You fix it in your mind as being in the spring of '67? A Well we moved in there in November, '66, and as well as I can remember it was the next spring after we got home.
Q Well do you know when he had come back from Kansas before that?
A No, that's the first time I had seen him since that they went away from here time of the war.

Jennie Martin (sup'l)
Q You met him here in the spring of '67 in the Cherokee Nation?
A He came over to our house.
Q Do you know how long before that he had come back from Kansas?
A No I don't know only he said he had just come back then; come down to see us.
Q He said he had just come back? A Yes sir.
Q Do you know whether or not his family had come back with him?
A No I don't think they did; he hadn't moved.
Q Do you know when his family did come? A My understanding was they came the next spring after that.
Q You don't know that of your own knowledge however? A I didn't see him, I didn't see him move.
Q When was it you first saw his daughter, Jennie, after the war?
A Well I don't remember at all when I first took particular notice of her; I saw the family around there, I didn't go over there very often.
Q Now this daughter Jennie, has she been living in the Cherokee Nation ever since you first saw her after the war? A Yes sir, I think she has, all I know about it.

WALTER A. WEST, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name, please? A Walter A. West.
Q How old are you? A 60 years.
Q What is your post-office? A Spavinaw.
Q How long have you lived in the Cherokee Nation? A 60 years, little over.
Q All your life? A Yes sir.
BY MR. DAVENPORT:
Q Did you know Joe Martin prior to the war, Mr. West? A Yes sir.
Q Did you know a slave that he owned by the name of Nelson Martin?
A Yes sir.
Q You know whether or not Nelson left the country during the war?
A I suppose he did; he came down from Kansas before the war.
Q About what year did he come from Kansas, if you know, after the war? A Spring of '68, best of my information and knowledge.
Q Is he living or dead now? A He is dead.
Q Did he have a family? A Yes sir.
Q Did you know any of the members of his family? A I know them all, but I don't know as I know the names of all of them.
Q Do you know the names of any of them? A John Nelson was one, and he had one named Arthur Nelson.
Q Arthur Nelson or Martin? A Martin, and there was a girl I think it seems to me like it was Jane, I aint certain, and then there's one lives on Rock Creek, his name is, I don't remember now what it is, but I know it when I hear it.
Q Harvey? A Yes sir, Harvey.
Q Did you leave the Nation during the war? A Yes sir.
Q When did you return after the war? A I returned in February, '66.
Q How long had you been back before Nelson Martin came? A Well I came back in '66 and he got back here in '68.
COM'R BRECKINRIDGE:
Q What fixsit in your mind that you first saw Nelson Martin in '68?
A We had come down here in '68, that is I saw him not exactly in '68 either, but the latter part of, fall of '69 when I saw him personally.
Q Well what reason had you to believe that he was herein the spring of '68? A Well this man Steve Lynch and Steve Henry, he went by two names, I met him in '68, I think in February or March, I aint positive what month over there on the old Lynch farm; I rode up there pretty early and he come out and several others, and made himself known to me, and said he had just got back. I said who come with him, he said Uncle Nelson and George Bryan, and I never saw

Jennie Martin (sup'l)
Nelson that morning, but I saw him later on that fall; '68 instead of '69.
Q What was Steve Lynch doing there? A He had just got in, he said, the evening before. He said I come yesterday evening was the remark, and I asked him the question who come with him, and he said George Bryan and Uncle Nelson and that's all ~~I know~~ I knew about it there at that time, but I saw them later on; they both lived right in my neighborhood after that.
Q Do you know whether any member of Nelson Martin's family were with him at that time? A No sir; I suppose they were with him, I never asked any questions about whether they were with him.
Q You didn't see any of them at that time? A Not that morning. I saw them later on; none but Uncle Steve; that's all.

Commissioner Breckinridge: This will be filed as supplemental testimony in Cherokee Freedmen Doubtful Cases 197, 280, 724, 285, 286, 281 and 297.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M. D. Green.

Subscribed and sworn to before me this November 7th, 1901.

T. B. Needles,
Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., Feb. 4, 1903.

The undersigned, Florine B. Hatch, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the foregoing transcript, and that the same is a true and complete copy of the original now on file with said Commission.

Florine B. Hatch

Subscribed and sworn to before me this 4th day of February, 1903.

Charles H. Aquiper

Notary Public.

Y.P.T.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Jennie Martin et al. as Cherokee Freedmen, consolidating the applications of--

Jennie Martin	Cherokee Freedmen	D 197
Harvey Martin et al	Cherokee Freedmen	D 200
Arthur Martin	Cherokee Freedmen	D 201
Harvey Martin	Cherokee Freedmen	D 61
Isabella Brown et al	Cherokee Freedmen	D 196
Rachel Todd et al	Cherokee Freedmen	D 194
Richard Brown et al	Cherokee Freedmen	D 191
Joe Martin	Cherokee Freedmen	D 204
George Brown	Cherokee Freedmen	D 207

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee Freedmen, were made to this Commission by Fred Martin for his wife Jennie Martin, among others, the other parties to said application being differently classified, are not embraced in this decision; by Harvey Martin for himself and minor children, Jordan, Perry, Mabel and Galatha Martin; that subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission showing the birth of Grover C. Martin; said application also included Sortie Martin, wife of said Harvey Martin, but as her name is not found upon any of the rolls of the Cherokee Nation at this time, she is not embraced in this decision; by Arthur Martin for himself and minor child, Harvey Martin; by Isabella Brown for herself and minor children, Warren, Lucinda, Dovie, Cag and Alfred Brown; by Rachel Todd for herself and minor children, Henriette, Louisa, Minnie, Julia, Viola and Opelia Todd; by Richard Brown for himself and minor children, Essie and Isabel Brown; that subsequent to the date of the original application, a birth affidavit which is made a part of the record herein, was filed with the Commission showing the birth of Mary Brown; by Joe Martin for himself and by George Brown for himself.

The evidence shows that all applicants herein, except Jennie Martin, were born since the commencement of the rebellion; that all of said applicants are the descendants of one Nelson Martin and his wife Nancy Martin; and that all, except Jennie Martin and Joe Martin, base their rights solely upon the rights of said Nelson Martin and wife, Nancy Martin.

The evidence further shows that Nelson Martin, his wife, Nancy Martin, and daughter, Jennie Martin, were slaves of a Cherokee citizen at the commencement of the rebellion; that they were taken by

Kansas during the rebellion and did not return to and establish their residence in the Cherokee Nation until after the time specified, in the decree of the Court of Claims, rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. Cherokee Nation, et al., for the return of Freedmen to the Cherokee Nation.

The evidence further shows that Joe Martin is the son of Martha Martin, nee Vann, who was the slave of a Cherokee citizen at the commencement of the rebellion; that Martha Martin was taken out of the Cherokee Nation during said rebellion, but returned thereto in the fall of 1866; and that the said Joe Martin has resided in said nation all his life.

None of the names of the applicants herein are found on the 1880 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Jennie Martin, Harvey Martin, son of Nelson Martin, Jordan Martin, Perry Martin, Mabel Martin, Galatha Martin, Grover C. Martin, Arthur Martin, Harvey Martin, son of Arthur Martin, Isabella Brown, Warren Brown, Lucinda Brown, Dovie Brown, Cag Brown, Alfred Brown, Rachel Todd, Henrietta Todd, Louisa Todd, Minnie Todd, Julia Todd, Viola Todd, Opelia Todd, Richard Brown, Essie Brown, Isabel Brown, Mary Brown and George Brown, as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495); and it is further the opinion of this Commission that Joe Martin should be enrolled as a Cherokee Freedmen, in accordance with the provisions of said section twenty-one of the Act of Congress above cited, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Signed-- Tams Bixby,
Chairman.

" T. B. Needles,
Commissioner.

" C. R. Breckinridge,
Commissioner.

" W. E. Stanley,
Commissioner.

Dated at Muskogee, Indian Territory,

this March 6, 1901

MOTION

For Review of Decision of Commission denying the application for enrollment as Cherokee Freedmen of

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BLUE & BULGER,
Attorneys for Applicants.

McGOWAN & SERVEN,
Of Counsel.

DEPARTMENT OF THE INTERIOR.

To the Honorable, the Secretary of the Interior:

In the matter of the application of the following named persons for enrollment as Cherokee Freedmen, consolidating the applications of:

Harvey Martin,

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MOTION FOR REVIEW OF DECISION.

Come now, by their attorneys, the above named persons who have been denied enrollment as Cherokee Freedmen solely because they or their ancestors were not physically in the Cherokee Nation on August 11, 1866, or within six months thereafter, regardless of attendant circumstances, and move the Honorable Secretary of the Interior to rescind said decision___to readjudicate said cases and to enroll said persons as Cherokee Freedmen for the reason that the evidence shows that said persons or their ancestors were slaves of Cherokee citizens at the commencement of the War of the Rebellion, that during said war they were compelled by circumstances over which they had no control to go out of the Cherokee Nation, but returned within a reasonable time after promulgation of treaty of July 19, 1866, considering the attendant circumstances, as shown by the records of the Department of the Interior, the Department of War and the Commission to the Five Civilized Tribes.

These records show that these persons were legally residents of the Cherokee Nation on August 11, 1866.

The records of the Commission show that it did not base its decisions in these cases upon proper grounds, but based them upon a supposed bar in Article 9 of the Cherokee Treaty of July 19, 1866, against the consideration of the reasons why a Cherokee Freedman was not in the Nation prior to February 11, 1867.

The records show that these persons were residents in good faith in the Cherokee Nation prior to June 28, 1898.

That applications were made for their enrollment prior to September 1, 1902.

Wherefore we respectfully request that this motion be allowed.

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Attorneys for Applicants.

Service of the above motion accepted and a copy of the same received by the attorneys for the Cherokee Nation, at Vinita, I. T., this day of , 1905.

BELL, HASTINGS & DAVENPORT,
Attorneys for Cherokee Nation.

By_____

Cherokee Freedmen
D-197 et a.

Muskogee, Indian Territory, March 19, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 3, 1904, in the consolidated case of Jennie Martin et al., granting the application for the enrollment of Joe Martin, and rejecting all the other applicants included therein, as Cherokee freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission as to said Joe Martin, a copy of which protest you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Enc. D-38.

Commissioner in Charge.

Cherokee Freedmen
D-281 & R-81.

Muskogee, Indian Territory, April 11, 1904.

Arthur Martin,

Adair, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, rejecting , among others, your application for the enrollment of yourself and your minor child, Harvey Martin, as Cherokee freedmen. Your agent, Louis T. Brown, Vinita, Indian Territory, has heretofore been furnished with a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Register

Commissioner in Charge.

Enc. D23.

Cherokee Freedmen
D-197 et al.

Muskogee, Indian Territory, April 11, 1904.

Louis T. Brown,
Agent for Jennie Martin et al.,
Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, in the consolidated case of Jennie Martin et al., rejecting the applications for the enrollment of Jennie, Harvey, Jordan, Perry, Mabel, Galatha, Grover C., Arthur, and Harvey Martin, Isabella, Warren, Lucinda, Dovie, Cag, Alfred and George Brown as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Register
Enc. D-26.

Cherokee Freedmen
D-197 et al.

Muskogee, Indian Territory, April 11, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Jennie Martin et al., including the Commission's decision dated March 5, 1904, rejecting the applications for the enrollment of Jennie, Harvey, Jordan, Perry, Mabel, Galatha, Grover C., Arthur and Harvey Martin, Isabella, Warren, Lucinda, Dovie, Cag, Alfred, Richard, Essie, Isabel, Mary and George Brown, Rachel, Henrietta, Louisa, Minnie, Julia, Viola and Opelia Todd as Cherokee freedmen, and granting the application for the enrollment of Joe Martin as a Cherokee freedman.

Respectfully,

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

Enc. D31.

(C O P Y)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, September 29, 1904.

Refer in reply to the following:

Land:

25103-1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated April 11, 1904, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen by Jennie Martin for herself; by Harvey Martin for himself and minor children, Jordan, Perry, Mabel, Celatha and Grover C. Martin; by Arthur Martin for himself and minor child, Harvey Martin; by Isabella Brown for herself and minor children, Warren, Lucinda, Davis, Sag and Alfred Brown; by Rachel Todd for herself and minor children, Henrietta, Louisa, Minnie, Julia, Viola and Ophelia Todd; by Richard Brown for himself and minor children, Annie, Isabel and Mary Brown; by Joe Martin for himself, and by George Brown for himself.

March 5, 1904, the Commission decided favorably in the case of Joe Martin and unfavorably to all the others.

The record shows that all the applicants except Jennie Martin and Isabella Brown were born since the close of the war; that all of the applicants are the descendants of one Nelson Martin and his wife, Nancy Martin; that all except Jennie Martin,

Isabella Brown and Joe Martin base their rights solely upon the rights of Nelson Martin and Henny Martin, his wife. The evidence further shows that Nelson Martin, Henny Martin, his wife, and his daughters, Jennie Martin and Isabella Brown were slaves of a Cherokee citizen at the beginning of the war of the rebellion; that they were taken out of the Cherokee Nation during the war and did not return and establish a residence in the Nation prior to February 11, 1867.

The evidence further shows that Joe Martin is the son of Martha Martin, born Vann, who was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that Martha Brown was taken out of the Cherokee Nation during the war, but returned thereto prior to February 11, 1867, and that the said Joe Martin has resided in the Cherokee Nation all his life.

All of the applicants appear to be identified on the Kern-Clifton roll, and Richard Brown and Joe Martin are identified on the Wallace roll. None of the applicants is identified on the 1880 authenticated Cherokee roll.

In view of the record the approval of the Commission's decision favorable to Joe Martin and unfavorable to all the other applicants is recommended.

Very respectfully,

A. C. Tonner

Acting Commissioner

M.M.M.
W.

(C O P Y)

W. C. P.
Y. P.
FHR

DEPARTMENT OF THE INTERIOR,

D. C. 45434-1904. WASHINGTON. November 22, 1904.

I. T. D. 8710-1904.

LRS

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

April 11, 1904, you transmitted the record in the consolidated Cherokee freedman case of Jennie Martin, et al. (D 197 et al), including your decision of March 5, 1904, granting the application for the enrollment of Joe Martin, and rejecting all the other applicants in said case.

Reporting in the matter September 29, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Thos Ryan

Acting Secretary.

1 inclosure.

COPY.

Cherokee Freedmen
D-197, et al.

Muskogee, Indian Territory, December 7, 1904.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated March 5, 1904, rejecting the applications for the enrollment of Jennie, Harvey, Jordan, Perry, Mabel, Calatha, Grover C. and Arthur Martin; Isabella, Warren, Lucinda, Dovie, Cag, Alfred, George, Richard, Nanie, Isabel and Mary Brown, and Rachel, Henrietta, Louisa, Minnie, Julia, Viola and Opelia Todd, as Cherokee freedmen, was affirmed by the Secretary of the Interior on November 22, 1904.

Respectfully,

Tams Bixby.
Chairman.

(COPY)

August 31, 1906.

The Honorable,

The Commissioner to the Five Civilized Tribes,

Muskogee I T

Dear Sir:

In re:

Application for the enrollment of Jennie Martin et al as Cherokee Freedmen, and cases consolidated therewith, we beg to say that we hereby petition that you transmit at once our motion for rehearing filed with this case together with the other papers connected therewith to the Honorable Secretary of the Interior and for cause state.

That the applicants in this case with the exception of Jennie Martin claim their right to be enrolled as descendants of one Nelson Martin; that Jennie Martin herself is a descendant of Nelson Martin but she came to the Cherokee Nation with Nelson Martin.

Nelson Martin lived in the Vicinity of Garnett, Kansas at the close of the Civil War and when he left Garnett, Kansas and came to the Cherokee Nation in 1866 he located on Grand river.

The case of Moses Riley et al has been remanded by the Department for rehearing and the Rileys lived in Kansas in the same neighborhood as did Nelson Martin and when they all came to the Cherokee Nation Nelson Martin located on Grand River a few miles further up than the Rileys and all of the witnesses in Kansas who will be present to testify in the Riley case will also be good witnesses for the descendants of Nelson Martin; we have talked with them and we expect to use them in the Jennie Martin case when a trial is had in that case. The witnesses

in the Cherokee Nation in the Riley case are also excellent witnesses in the case of Jennie Martin et al as to the return of Nelson Martin.

If the Jennie Martin case could be tried at the time the case of Moses Riley et al is tried the expenses of the trial could be reduced very materially.

We have approximately fifteen witnesses in the State of Kansas who will testify in both cases and the mileage and per diem of witnesses from Garnett Kansas to the Cherokee Nation (Muskogee) is estimated at $24.00 each now therefore if the Jennie Martin case could be set for trial on the same date as the Riley case then when the Kansas witnesses come in to the trial of the Riley case they could be held over for the Jennie Martin case and the applicants in the Martin case would pay their proportionate share of the mileage and per diem of witnesses whereas if the trial was had later in the Jennie Martin case it would cost them just as much to bring these witnesses to the trial as it cost the Rileys in their case. The same reasoning would apply to the witnesses in the Cherokee Nation.

We also expect to bring to the trial of both cases Hiram Springs from Mattoon, Illinois, which town is located on the Big Four Railway about 135 miles Northeast of St. Louis; we will also bring Christian Shull from Sugra Grove Ohio. This place is about forty Miles South of Columbus Ohio. We also have Daniel A. Johnson at Fort Worth Texas and also a witness at Hawker City Kansas which is in Mitchell County a long distance west of Kansas City.

It is therefore plain to be seen that if the Jennie Martin cases were set for trial at the same time the Riley case is set the Martin

case could be tried without extra expense and this would be a great saving to them.

In filing our affidavits in support of the motion for rehearing in this case we did not file the affidavits of all of our witnesses but only of a very small portion of them, but made a showing that we deemed sufficient for the purposes of the motion.

We therefore earnestly petition that you transmit our motion in this case to the Department and that it be made special so that early action might be secured on it.

In presenting this matter to you we desire to state, and have it distinctly understood, that in making this request we are acting for what we believe to be for the best interests of the applicants in order to save them from having to incur additional expense as herein set forth; that this request is made in good faith for the purposes herein shown; that we do not seek to have hasty action on the case for the purpose of seeking some advantage or to get a case without merit reopened We sincerely and conscientiously believe that these applicants are entitled to be enrolled and that when we bring in our testimony as herein indicated that your office will enroll them or that when the case is tried this time that your office will be in a position to write a decision based upon all of the testimony that can be had in the case touching upon the rights of these applicants, and that these people will be saved of a heavy expense.

These applicants are poor people and early action on this motion as herein indicated and asked for by us will be the means of a great saving to them and the Riley cases need not be burdened by this case as we will not ask that the Martin cases be consolidated with any case.

Respectfully,

[illegible] Starr & Patten

JCS

Muskogee, Indian Territory, September 1, 1906.

SPECIAL

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a motion made by Starr & Patten, attorneys for applicants, Vinita, Indian Territory, for a rehearing of the Cherokee freedmen consolidated case of Jennie Martin et al. Said motion is supported by what purports to be sworn statements of J. M. Johnston, and Miriam Spriggs, and affidavits of Nelson Moore, Thomas H. Moore, Simon Lynch Moses Riley, Arthur Bean, Joe Bean, Leander Bean and Tobias Bean. This motion was received at this office June 2, 1906. The reply of the Cherokee Nation to said motion is also enclosed.

There is also enclosed a motion and statement by the attorneys for the applicants, which was rec'd at this office on July 21, 1906, this motion and statement is supported by affidavits signed by Arthur Bean,

Tobis Bean, Miriam Spriggs and Simon Lynch. The attorneys state that "these a fidavits have been re-signed because of the objections of Counsel for the Cherokee Nation to their originals."

The records of this office show that the decision of the Commission to the Five Civilized Tribes dated March 5, 1904, rejecting all of the applicants embraced in the Cherokee freedmen consolidated case of Jennie Martin et al. (D 197 et al.), except Joe Martin, was affirmed by the Department November 22, 1904 (I.T.D. 8710-1904). The motion herewith transmitted does not refer to the case of said Joe Martin.

The attorneys for applicants request a rehearing on the ground of newly discovered evidence, which they claim will show that Nelson Martin, through whom all of the applicants except Jennie Martin claim the right to enrollment as Cherokee freedmen, and said Jennie Martin, returned to the Cherokee Nation prior to February 11, 1867. In the affidavits of E.M. Johnston and Miriam Spriggs the affiants state that Nelson Martin left Anderson County,

Kansas, with his family and effects and went to the Cherokee Nation, Indian Territory, "in the spring of the year of 1866." In the affidavits of all the other parties the affiant merely state that Nelson Martin and his family located in the Cherokee Nation "in the fall of the year of 1866," or that Nelson Martin established a residence in the Cherokee Nation "prior to February 11, 1867."

The Cherokee Nation protests against this motion being granted, claiming that it does not show that with due diligence the evidence now sought to be introduced could not have been secured when the case was heard before the Commission, or that the applicants did not have ample opportunity to offer the same. The attorney for the Cherokee Nation states that Nelson Martin was denied citizenship in the Cherokee Nation by the Supreme Court of the Cherokee Nation (Daniels Court), on June 8, 1871, and in connection therewith refers to the Department's opinion of March 5, 1906 (I.T.D 10716-1906), in the Cherokee freedman case of John Morgan, wherein the Department refers to the opinion of the Assistant Attorney General of October 5, 1905, in the Cherokee freedmen case of Harry Still.

No affidavit by any of the applicants in this case is attached to show that the evidence which it is now sought to introduce is newly discovered, or that with due diligence it could not have been secured when the case was heard before the Commission, it being only stated that the same is newly discovered in the motion of said attorneys. With the exception of the affiants J. W. Johnston and Miriam Spriggs, all of the affiants live in the Cherokee Nation, and when the Commission was engaged in receiving applications for enrollment as Cherokee freedmen, and hearing testimony in connection with pending applications, all of said affiants living in the Cherokee Nation testified in a number of pending cases. It is not reasonable therefore, to presume that with due diligence the applicants could not have learned of the knowledge of these affiants with reference to the return to the Cherokee Nation of Nelson Martin and the applicant Jennie Martin, or that they did not have knowledge of such fact at that time. The statements of J. W. Johnston and Miriam Spriggs with reference to the time of the return to the Cherokee

Nation of Nelson Martin is in conflict with all of the testimony heretofore introduced in the case, and with all of the other affidavits attached to the motion, it being nowhere claimed, except in the affidavits of the affiants, Johnston and Spriggs, that Nelson Martin and Jennie Martin returned to the Cherokee Nation "in the spring of the year of 1866".

The preponderance of the evidence heretofore taken in the case shows that Nelson Martin and Jennie Martin did not return to the Cherokee Nation and establish a permanent residence therein, until, possibly, the fall of 1867 or the spring of 1868. This office does not consider that the showing made warrants the granting of the motion for a rehearing in this case, and it is therefore respectfully recommended that the motion be denied.

This office is in receipt of a letter from Starr & Patten, dated August 31, 1906, wherein they state that in the event a rehearing is granted in the case of Jennie Martin, they expect to introduce in the case practically the same witnesses they desire to introduce at the hearing to be had in the Cherokee freedmen case of Moses Riley,

Secretary--

et al., which case is consolidated with that of Katie Ridge, which was remanded to this office for a rehearing on July 9, 1906 (I.T.D. 17884-1905). said attorneys request that, as it would save great expense to the applicants in the Martin case, should a rehearing be granted therein, on account of the same witnesses testifying in both cases, their motion be made special.

In view of these statements by the attorneys it is respectfully recommended that their request be granted and that the motion for a rehearing in the Martin case be made special.

Respectfully,

Through the
Commissioner of Indian Affairs.

Commissioner.

Encl. B 43

J.P.

D.C.37491
I.T.D. 8710-1904.
10913-1906.

COPY.

THE.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

Direct.

LRS.

September 1, 1906.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

There have been received two letters relative to the Cherokee freedman case of Jennie Martin et al, from their attorneys, dated respectively, August 27 and 30, 1906, urging the Department to direct you to submit at once a motion for rehearing in such case, alleged to have been filed in your office since April 26, 1906.

The case was the subject of departmental letters of November 2, 1904, and May 2, 1906.

In view of the representations made, it is requested that you submit the motion as requested, direct, with such recommendation as you deem proper.

Respectfully,

Jesse H. Wilson
Assistant Secretary.

(COPY)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

LAND:
82267-1904
76396-1906.

September 6, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

In compliance with the request contained in your letter of September 1, 1906, (I.T.D.1904, 10913-1906) there is transmitted herewith the record in the case of Jennie Martin, et al., applicants for enrollment as Cherokee freedmen. The record transmitted contains all the papers on file in this office pertaining to this case.

Very Respectfully,

F. E. Leupp,
Commissioner.

E.W.E - ML.

C O P Y.

T E L E G R A M.

83.KS.RD.BN. 44 Collect-X- Govt.

Dw-Washington, D.C.Sept.16th-06.

Bixby, Commissioner,

Muskogee,I.T.

Wire what action taken by you on departmental letter first instant requesting you to forward motion for rehearing in Cherokee Freedman case Bennie Martin Et al if motion has not been forwarded send it immediately.

Thomas Ryan, Acting Secy.

2 PM.

COPY.

JOR

T E L E G R A M /

Muskogee, Indian Territory, September 18, 1906

Secretary of the Interior

Washington, D. C.

Replying Departmental telegram eighteenth instant motion for rehearing in Cherokee freedman case of Jennie Martin et al forwarded with special letter first instant through Indian Office.

Bixby, Commissioner

O B G R Paid

T.B.

(COPY)

J.P.

D.C.43379-1906.

DEPARTMENT OF THE INTERIOR,

I.T.D.18464-1906. WASHINGTON. FHE.
16068- "

L.R.S. September 26, 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

The Department has considered the motion for rehearing in the Cherokee freedman case of Jennie Martin, et al., submitted with your letter of September 1, 1906, and Indian Office letter of September 20, 1906 (Land 80461), in both of which it is recommended that the motion be denied, mainly on the ground that it is based upon newly discovered evidence and it is not shown that due diligence has been used by the claimants. For the same reason, and others, the attorney for the nation protests against the granting of the motion.

The decision of the Department affirming the decision of the Commission to the Five Civilized Tribes adverse to all the applicants except one, was rendered November 22, 1904, of which the parties had due notice.

It is urged by the attorneys who filed the motion, that the case in all material particulars is similar to that of Katie Ridge, et al., which the Department, on July 9, 1906, remanded

for rehearing. Said attorneys urge early action in view of the fact that they contemplate introducing in the Martin case the same witnesses used in the Ridge case, and state that it would thus save great expense to the applicants in the Martin case. Many things are stated in the original motion and the supplemental one which the attorneys "expect to prove."

The Department, of course, can not rely upon such statements, but must be governed by the affidavits in support of the motion. All such affidavits are of a general nature, mostly signed by mark, and merely alleging that Nelson Martin, through whom the applicants claim, and his family, were in the Cherokee Nation in the fall of 1866, some of the affidavits stating that such family established a residence there at that time. If a bona fide residence was established as the act of April 26, 1906 (34 Stat., 137), fixes should have been, the surrounding circumstances are not mentioned.

The Department has not considered it advisable in this class of cases to promulgate any strict rules governing, as to time, the filing of motions for review and rehearing. That, however, has been done by said act of April 26, 1906. The attorneys for the nation have not always been diligent in the filing of such motions. Considering the unsatisfactory nature of the affidavits in support of the motion under consideration, and the fact (which is not a newly discovered one) that Nelson

Martin and his family were rejected by the supreme court of the Cherokee Nation in 1871, and in view of the provision as to Cherokee freedmen in the act of April 26, 1906, the Department will not grant the motion.

In the opinion of the Assistant Attorney General of October 5, 1905, approved by the Department, in the case of Harry Still, the effect of an adjudication of the supreme court of the Cherokee Nation in favor of a Cherokee freedman claimant was found to be such that it should not be overturned "after impairment and loss of valuable evidence by the lapse of more than thirty years." Such adjudication, the opinion stated, should be followed "unless it appear that fraud was practiced upon the court, or the evidence then before the court and that now available before the Commission show that the conclusion of the court upon the case, for fraud or lack of evidence then available, was clearly wrong."

This being true as to claimants in whose favor the Cherokee supreme court rendered decisions, it is equally true with reference to claimants against whom decisions were made.

To warrant a rehearing in any such case a strong prima facie showing must be made by the affidavits in support of a motion for rehearing. The affidavits must set forth, with considerable detail, all of the alleged facts upon which the motion is based and relative to which the witnesses proposed to

be introduced would testify.

While it is asserted in the motion, signed merely by the attorneys making it, that

"The applicants expect to prove by reliable and trustworthy witnesses that the said Nelson Martin was at Tahlequah Indian Territory to attend the session of the Daniels Court, when all of the Freedmen were down there and that Judge Daniels who was the Judge of the Court, told all of said Freedmen including Nelson Martin, to go home; that they did not want them there and that they were not at that time trying Freedmen cases, and that under the advice of said Court, the said Nelson Martin returned to his Home and was never thereafter called before said Court and that if a judgment was rendered against him it was a judgment by default without an opportunity being granted him to introduce the testimony he had in support of his case,"

there is not an affidavit presented in which any reference is made to the decision of the supreme court of the Cherokee Nation.

The motion is denied and the papers have been sent to the Indian Office. A copy of the Indian Office letter is enclosed.

Respectfully,

Thos Ryan

Acting Secretary.

Through the Commissioner
of Indian Affairs.

1 enc. and 12 to Ind. Of.

Cherokee F
R 61

Muskogee, Indian Territory, October 6, 1906.

Harvey Martin,
Adair, Indian Territory.

Dear Sir:

You are hereby advised that the motion filed by your attorneys, June 8, 1906, for a rehearing in your Cherokee freedman enrollment case was denied by the Secretary of the Interior, September 26, 1906.

Respectfully,

M.J.C.

Acting Commissioner.

Cherokee F
R 536.

Muskogee, Indian Territory, October 6, 1906.

Starr & Patten,

Attorneys for Jennie Martin, et al.,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the motion, filed by you June 2, 1906, for a rehearing in the Cherokee Freedmen enrollment case of Jennie Martin et al., was denied by the Department September 26, 1906.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Acting Commissioner.

Incl.0-10
LMC

Cherokee
F. R. 538 etal.

Muskogee, Indian Territory, October 6, 1906.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of Departmental letter of September 26, 1906, in which the motion filed June 2, 1906, for a rehearing in the Cherokee freedmen enrollment case of Jennie Martin, et al., is denied.

Respectfully,

Encl.H.J.-86.
H.J.C.

Acting Commissioner.

(C O P Y)

Y.P.
MHE

I.T.D. 16068-1906 DEPARTMENT OF THE INTERIOR
15137-1906
WASHINGTON.

L R S

October 24, 1906

Commissioner to the Five Civilized Tribes
Muskogee, Indian Territory.

Sir:

On September 26, 1906, the Department denied a motion for rehearing in the Cherokee freedman case of Jennie Martin, et al. On the 22nd instant there was filed by local attorneys for the applicants a motion requesting that "final action" be not taken in this case under the decision of September 26, 1906, but that "the applicants herein be given a reasonable time within which to file supplemental affidavits which shall embrace in detail the evidence which the attorneys for said applicants have hereinbefore represented they were able to prove as to the circumstances connected with the establishment of a bona fide residence in the Cherokee Nation of the character fixed by the Act of April 26, 1906 (34 Stats. L. 137), and that the conclusion of the Supreme Court of the Cherokee Nation affecting these cases by reason of fraud or lack of evidence then available was clearly wrong."

Said attorneys have been advised that the applicants will be allowed thirty days from this date to submit,

through your office, such affidavits as they may desire to present. The motion is enclosed and the Indian Office has been requested to transmit to you the papers in that office relative to the case.

It is requested that should further proceedings be had by the claimants within the time specified, you will carefully consider the record as then made and submit all the papers to the Department with recommendation. Advise the attorney for the motion hereof.

Respectfully,

(Signed) E. A HITCHCOCK
Secretary

1 inclosure

Cherokee
F R 536 et al.

Muskogee, Indian Territory, November 1, 1906.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

For your information there is inclosed a copy of Departmental letter of October 24, 1906, allowing Attorneys for applicants in the Cherokee Freedman case of Jennie Martin, et al., thirty days from that date within which to file affidavits in support of the motion for a rehearing of said cases, which motion was denied by the Department September 26, 1906.

Respectfully,

Commissioner.

Encl. 1.
CEL

Cherokee Freedmen
D 280 - R 81

Muskogee, Indian Territory, December 7, 1906

E. M. Frye,
Sallisaw, Indian Territory.

Dear Sir:

In reply to your letter of December 1, relative to the Cherokee freedman case of Harvey Martin, you are advised that the applications for the enrollment of one Harvey Martin, aged twenty-nine in 1901, son of Nelson Martin, and one Harvey Martin, aged twelve, in 1901, son of Arthur Martin, were denied by the Secretary of the Interior, among others, on November 22, 1904.

You are further advised that motions for rehearing in both of said cases are now pending before the Department.

Respectfully,

Acting Commissioner

L M B

Muskogee, Indian Territory, December 18, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

The decision of the Commission to the Five Civilized Tribes, dated March 8, 1904, rejecting all of the applications embraced in the Cherokee freedmen consolidated case of Jennie Martin, et al. (D197 et al), except Joe Martin, was affirmed by the Department November 28, 1904 (I.T.D.8710-1904).

September 1, 1906, this office transmitted a motion filed June 2, 1906, by Starr & Patten, Attorneys for applicants, Vinita, Indian Territory, for a rehearing of said case, except as to said Joe Martin. Said motion was denied by the Department, September 26, 1906 (I.T.D.18464, 18068-1906).

October 24, 1906 (I.T.D.18868, 18137-1906), the Department advised that:

"On the 22nd instant there was filed by local attorneys for the applicants a motion requesting that 'final action' be not taken in this case under the decision of September 26, 1906, but that 'the applicants herein be given a reasonable time within which to file supplemental affidavits which shall embrace in detail the evidence which the attorneys for said applicants have heretofore represented they were able to prove as to the circumstances connected with the establishment of a bona fide residence in the Cherokee Nation of the character fixed by the Act of April 26, 1906 (34 Stats.L.137), and that the conclusion of the Supreme Court of

the Cherokee Nation affecting these cases by reason of fraud or lack of evidence then available was clearly wrong' "; and that:

"said attorneys have been advised that the applicants will be allowed thirty days from this date to submit, through your office, such affidavits as they may desire to present"; and this office "is requested that should further proceedings be had by the claimants within the time specified, you will carefully consider the record as then made and submit all the papers to the Department with recommendation."

With their letter of November 1, 1906, attorneys for applicants submitted affidavits by Joe Davis, James Mannpoaker, Tobias Beam, Moses Riley, George West Vann and Leander Beam; with their letter of November 9, 1906, they submitted affidavits by Simon Lynch, Columbus McNair and Jackson Davis; with their letter of November 16, 1906, they submitted a motion that the Commissioner examine the 1880 authenticated Cherokee roll, and cite the enrollment thereon of Nicey Mayfield, and affidavits by Christian Shull and Nicey Mayfield, and with their letter of November 23, 1906, they submitted a certificate by the Clerk of Anderson County, Kansas, certifying that the tax records, list of personal property assessed and the real estate records, in the possession of his office, for the years 1868, 1869 and 1870, for Monroe township, Anderson County, Kansas, do not contain the name of Nelson Martin, and an affidavit by George A. Campbell. All of said documents are enclosed. Proof of service upon the Attorney for the Cherokee Nation, of copies of said documents, is furnished.

The substance of the evidence now presented is that Nelson Martin, the ancestor through whom all of the applicants in this case, except Jennie Martin, claim the right to Cherokee freedmen citizenship, with his family, including the principal applicant, Jennie Martin, left Anderson County, Kansas, in the late fall of

winter of 1866; went to the home of Anderson Lynch on Grand River in the Cherokee Nation, where it is claimed that Nelson Martin lived until the spring of 1867, when he built a house of his own and lived in it for two years, or until 1869, when he moved to near the farm of Judge G. W. Clark.

The affiants, Tobias Bean, Simon Lynch and Columbus McNair, state that Nelson Martin was not given a hearing by the Supreme Court of the Cherokee Nation in 1871, but that he was told "to go home" and that if he were needed the Court would send for him, and that the Court afterwards rejected him "by default".

Joe Davis states that he saw Nelson Martin a short time before Christmas, 1866, on Spring Creek, living in a house with Anderson Lynch, and that the next spring, Martin made a place of his own and lived there until the spring of 1869, when he bought a place near Judge Clark's, where he since continuously lived until the time of his death.

James Mannspeaker states that "my recollection is that Nelson Martin and his family left that community (Garnett, Kansas) in the fall of the year of 1866 for the Cherokee Nation."

The statements contained in the affidavit of Tobias Bean are practically the same as those in the affidavit of Joe Davis, and in addition he states that Nelson Martin was not given an opportunity to introduce his evidence before the Cherokee Supreme Court in 1871.

The statements in the affidavit of Moses Riley as to the return of Nelson Martin are practically the same as in the affidavit of Joe Davis and Tobias Bean.

Moses Riley is an applicant for enrollment as a Cherokee freedman, and the question of his return to the Nation after the War of the Rebellion is pending before this office for a decision at the present time.

George West Vann states that "soon after Christmas, in the year of 1866, or early in January, 1867, I was down in the vicinity of Lynch's Prairie, on Grand River, and at that time Nelson Martin was living in a house near the river, and he continued to reside in the Cherokee Nation after that time until his death."

Leander Bean states that Nelson Martin, with his family, and Thomas Mayfield, with his family, including his wife, Nicey Mayfield, settled in the Cherokee Nation in November, 1866.

Simon Lynch makes practically the same statements, as to the return of Nelson Martin, as Leander Bean, and further states that Nelson Martin lived on several places in the Cherokee Nation "until he settled on a place of his own and lived on it a while and then bought a place in the community and lived on it until his death." He also states that Nelson Martin was not given an opportunity to introduce his evidence before the Supreme Court of the Cherokee Nation, and that the decision of said Court adverse to Nelson Martin was "by default."

Columbus McNair states that he was at the house of Nelson Martin in January, 1867; that the house was on Crap (Anderson) Lynch's place, and that there were two houses on said place, Nelson Martin living in one and Crap Lynch in the other. He also makes the same statements with reference to the case of Nelson Martin before the Supreme Court of the Cherokee Nation as do the other

witnesses above referred to.

Jackson Davis makes the same statements with reference to Nelson Martin and the Cherokee Supreme Court as do the other witnesses.

Christian Khull states that he remembers "that in the fall of 1866 Nelson Martin left Anderson County, Kansas, to go to the Indian Territory to claim a headright that was due him if he got there within a certain time that was allowed".

Missy Mayfield states that Nelson Martin and family returned to the Cherokee Nation in 1866, at the time she returned; that he lived neighbor to her in the Cherokee Nation from the time of their return until the time of his death; that her rights were not questioned by the Supreme Court of the Cherokee Nation in 1870 or 1871, and that her name appears upon the Cherokee authenticated roll of 1880.

George A. Campbell states that he recollects that Nelson Martin and his family left Anderson County, Kansas, in the fall of 1866 and that he has not seen them in that community since.

In order for the applicants in this case to be entitled to enrollment as Cherokee freedmen under the provisions of Section 3, of the Act of Congress approved April 26, 1906 (34 Stats.137), they must establish that they or their ancestors, through whom they claim the right to enrollment, actually returned to and established a personal bona fide residence in the Cherokee Nation on or before February 11, 1867.

The Department, on September 26, 1906, denying the former motion for a rehearing in this case and referring to the rejection

of Nelson Martin and his family by the Supreme Court of the Cherokee Nation in 1871, states that:

"In the opinion of the Assistant Attorney General of October 5, 1905, approved by the Department, in the case of Harry Still, the effect of an adjudication of the supreme court of the Cherokee Nation in favor of a Cherokee freedman claimant was found to be such that it should not be overturned 'after impairment and loss of valuable evidence by the lapse of more than thirty years.' Such adjudication, the opinion stated, should be followed 'unless it appear that fraud was practiced upon the court, or the evidence then before the court and that now available before the Commission show that the conclusion of the court upon the case, for fraud or lack of evidence then available, was clearly wrong' ";

and that:

"This being true as to claimants in whose favor the Cherokee Supreme Court rendered decisions, it is equally true with reference to claimants against whom decisions were made"; and

"To warrant a rehearing in any such case a strong prima facie showing must be made by the affidavits in support of a motion for rehearing. The affidavits must set forth, with considerable detail, all of the alleged facts upon which the motion is based and relative to which the witnesses proposed to be introduced would testify."

The former motion in this case was based upon the ground of newly discovered evidence, but the attorneys fail in this motion, as they did in the former one, to make any showing that the evidence now sought to be introduced is newly discovered, or that with due diligence it could not have been discovered when the case was originally heard before the Commission. There is nothing to show that the motion is made in good faith and not for the purpose of delay.

It is very noticeable in this motion that the place on which it is claimed that Nelson Martin and his family lived from the time they left the place of Anderson Lynch, in the spring of 1867, until the spring of 1869 when it is claimed they moved to near the place of Judge Clark, is not located. If they established an actual

residence during that time it would appear that that fact would be the most easily proved.

Joe Davis, Tobias Bean, Moses Riley, George West Vann, Leander Bean, Simon Lynch, Columbus McNair and Jackson Davis all live in the Cherokee Nation, not a great distance from the place it is claimed Nelson Martin and family returned, and when the Commission was hearing testimony in Cherokee freedmen cases each of said parties testified in a number of cases. Nicey Mayfield also lives in the Cherokee Nation and has testified in several Cherokee freedmen cases. It appears that these witnesses could have been easily produced at the former hearings in the case. Joe Davis was twelve years old in 1866. Tobias Bean, Leander Bean and Simon Lynch are professional witnesses and their statements in freedmen cases have been repeatedly contradicted, and this office can state that the records in the different cases in which these witnesses have testified show that their testimony is not entitled to any weight. As has heretofore been stated, Moses Riley is an applicant for enrollment as a Cherokee freedman. October 13, 1905, his application was rejected by the Commissioner, the record in his case forwarded to the Department, and on July 9, 1906, his case was remanded to this office for a rehearing and is pending before it now. George West Vann, according to his affidavit, was thirteen years old in 1866. Simon Lynch has, in numerous cases, testified that he was convicted of larceny by the Cherokee Courts, but of late he has claimed that he was pardoned, at one time he testified by the Cherokee National Council, and at other times, by the Principal Chief of the Cherokee Nation. Jackson Davis was denied enrollment

as a Cherokee freedman by the Commissioner for the reason that he failed to return to the Cherokee Nation within the time required by law, and the Commissioner's action was affirmed by the Department, November 30, 1906 (I.T.D.17176-1906).

The statements to the effect that Nelson Martin was rejected "by default" by the Cherokee Supreme Court is not substantiated by the records. The docket of the Supreme Court of the Cherokee Nation showsthe following entry: "Nelson Martin & family. Decided against claimants June 8th, 1871." This office cannot advise the Department as to the manner in which the Supreme Court of the Cherokee Nation conducted its proceedings in citizenship cases, but at a comparatively recent date this office finds, in investigating pending applications for enrollment as Cherokee freedmen and in which the Supreme Court of the Cherokee Nation rendered a decision adverse to the applicants, that the claim is made that the applicants were "told to go home" and "not given an opportunity to introduce their evidence." An examination of the docket of the Supreme Court fails to show that this claim is tenable. The docket shows that approximately 80% of the cases tried by the Supreme Court were granted, and it would be preposterous to think that the Court would tell the applicants "to go home", and that if they "were needed" they would be sent for, and the Court would afterwards admit the applicants. In a number of cases such notations as "too late", "state raised" and "sold out of the Nation" appear following the docket entries of the applicants. Notations also appear in a number of cases to the effect that the claimants were decided against by default. In a recent hearing had before this office

in the Cherokee freedman case of Andy Webber, Messrs. Starr & Patten, also attorneys for said applicant, introduced the testimony of a witness for the purpose of identifying Andy Webber as being a son of one George Webber, in whose favor a decision was rendered by the Supreme Court of the Cherokee Nation in 1871, and that witness testified that he was present when the case of George Webber came up for hearing; that there were a great many freedmen before the Court at that time and that all of them were given a hearing and permitted to introduce evidence as to their right to Cherokee freedman citizenship.

The 1880 authenticated roll of citizens of the Cherokee Nation contains the name of one Nycie Mayfield, at number 764, page 649, Saline District, aged 45 years, a native Cherokee. The right of Nicey Mayfield to enrollment as a citizen of the Cherokee Nation could not be questioned for the reason that her name is found upon the Cherokee tribal roll of 1880. That the Cherokee Nation did not recognize the compliance of Nicey Mayfield with the terms of the treaty of 1866 is shown by the fact that the Supreme Court of the Cherokee Nation, in 1871, decided against her husband, Thomas Mayfield. This office has no information as to whether or not Nicey Mayfield is of Cherokee blood or by what authority her name was placed upon the roll of 1880. That there are names of persons appearing upon the roll of 1880 who are not entitled to be placed thereon, is conceded, as well as the fact that parties whose names are entitled to be on that roll are not thereon.

The certificate of the Clerk of Anderson County, Kansas, is negative in character, and this office fails to see the materiality

of it. It contains nothing as to what the records of Anderson County, Kansas show as to the name of Nelson Martin appearing thereon for the years 1866 and 1867.

Anderson Lynch, to whose house it is now claimed Nelson Martin and family came in 1866 and lived that winter, testified in the case prior to the rendition of a decision therein. He stated that Nelson Martin "came to my place in '66" and that he had his wife with him and rented a place from him in 1867 and made a crop thereon. He further stated that Nelson Martin (referring to the time he returned in 1866) "staid with me and camped out and then he made a crop the next year." Wilmore Hicks, who also testified in the case on behalf of applicants, corroborated Anderson Lynch as to the time of the return of Nelson Martin, but stated that he did not see the family of Nelson Martin.

J. M. Johnson, (Judge) S. W. Clark, R. L. Martin and Walter A. West testified on behalf of the Cherokee Nation and stated that Nelson Martin did not return, and bring his family, to the Cherokee Nation until the spring of 1868, although Martin, himself, made a visit to the Cherokee Nation in 1867.

It appears that the evidence now sought to be introduced is merely cumulative, and could not overcome that heretofore introduced on behalf of the Cherokee Nation, or show that the decision of the Supreme Court of the Cherokee Nation in 1871, rejecting Nelson Martin, was clearly wrong. This office does not consider the showing made sufficient to warrant a rehearing being granted in this case, and it is, therefore, respectfully recommended that

this motion be denied.

The record in the case is original.

Respectfully,

Commissioner.

Through the Commissioner
of Indian Affairs.

Encl.E-15
EMF

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
RECEIVED
MAY 28 1902

ACTING CHAIRMAN

Muskogee I.T. 5/31/02

Received from the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of Harry Martin

for enrollment as a Freedman *of the Cherokee Nation.*

Cherokee FR No. 51

Louis F. Brown
Agent

ENROLLMENT REFUSED

CHEROKEE FREEDMAN

R 81

Decision

IN THE MATTER OF THE APPLICATION OF

Harvey Martin

FOR ENROLLMENT AS

CHEROKEE FREEDMEN

A. Original testimony May 15-1901

B. Mem. of application " "

Do not write above this line.

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See Cherokee Freedmen Docket

No D 281.

Cher Fr R 82

Cher Fr R 82

F. F. 82.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JAN 20 1901

ACTING CHAIRMAN.

REJECTED: as to husband, George Adams.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., May 16,1901.

In the matter of the application of Katie Adams for the enrollment of herself and eight children as Cherokee Freedmen by right and for her husband, George Adams, as a Cherokee freedman by intermarriage being sworn and examined by Commissioner Needles, she testified as follows:

Appearances: Mellette & Smith, attorneys for applicants:
L.B.Boll, Cherokee Representative:

Q What is your name? A Katie Adams.
Q What is your age, Katie? A I am 36.
Q What is your posteffice address? A Welch, I.T.
Q What district do you live in? A Coowescoowee.
Q you apply to be enrolled as a Cherokee Freedman? A Yes sir
Q Is your name on the authenticated roll of 1880?A I don't know whether it is, mister, honestly.
Q Is it on any of the rolls? A Yes sir.
Q On the Kerns-Clifton pay roll? A Yes sir.
Q On the wallace roll? A Yes sir.
Q Who do you want to enroll bed des yourself? A Me and my children. and hus and.
Q How many children have you? AI have eight living.
Q Give me the names of those under 21 years of age? A All of them is under age, there's the ages of them.(Hands Commissiner paper.)
Q Albert Adams, how old is Albert? A He is 15.
Q George Edward Adams, 14? A Yes sir.
Q Elias one of them? A Yes sir.
Q 13? A Yes sir.
Q Walter, 11? A Yes sir.
Q Cora? A Yes sir.
Q Cora is 10 I believe? A Yes sir.
Q Elmer, eight years of age; Ella? A Yes sir.
Q Five years of age; Cordelia? A 2 years old.
Q Melvin? A He is dead.
Q Eight in all? A Yes sir.
Q Are these children all alive and living with you at this time?
A Yes sir.
A Are you married? A Yes sir.
Q What is your husband's name? A George Adams.
Q Is he a citizen? A No sir, he is a United States citizen;here is his license. (Produces papers.)
Q You apply forhis enrollment? A Yes sir.

Com'r: Applicant presents certificate of marriage and duly authenticated marriage license, issued by the authorities of the Cherokee Nation, under seal, duly recorded, as provided by the laws of the Cherokee Nation, certifying that she was married to one George Adams.

Q There is no certificate of marriage here? A No sir, I lost the marriage certificate, but I can prove that we were married.

Com'r: Applicant presents a duly authenticated marriage license authorizing ~~marriage~~ her marriage with her husband, George Adams, said marriage license being issued by the authorities of the Cherokee Nation, ~~under~~ and duly recorded, but presents no certificate of marriage.

Applicant: My husband is 48 years old.

Examined by Attorney Smith:

Q Who was your father? A William Tucker
Q The man who was just on the stand here applying for himself?
A Yes sir.

Q Who was your mother? A Lettie, some called her Charlotte, but her name was Lettie.
Q Where do you live? A On Big Cabin.
Q How long have you lived there? A Ever since I can remember anything.
Q Big Cabin in the Cherokee Nation? A Yes sir.
Q How old did you say you were? A I am 36.
Q Have you always lived in the Cherokee Nation? A Yes sir.
Q Are these children that you apply for all living with you?
A Yes sir.
Q Where were they born? A In the Cherokee Nation.
Q Where were you and your husband married? A Right in father's house.
Q Where is father's house? A In the Territory.
Q Cherokee Nation? A Yes sir, where I was raised at.
Q Is there anyone here who saw you married? A Yes sir.
Q Who? A Mr Steven Vann over there and my father.
Q Are you on the Kerns-Clifton roll? A I guess so.
Q Did you draw money at the Kerns payment, or the payment that followed the Kerns roll? A Yes sir, and the Wallace too.
Q The payment that followed the Kerns roll, for whom did you draw for anyone besides yourself? A Yes sir, for me and my oldest children; drawed for ~~them~~ all of them but Ella.
Q You know how you were put down on the Kerns roll, as Katie Adams or some body else? A I don't know how they put it down; you see father give in my name.
I think it was Katie Adams though.
Q What name did you go by before you were married? A Katie Tucker.
I never was married but once; this is my first husband.

Kerns-Clifton roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:
page 169 #4160 Kate Adams, Coowescoowee District;
page 169 #4161 Albert Adams, Coowescoowee District;
page 169 #4162 George Adams, Coowescoowee District;
page 169 #4163 Elias Adams, Coowescoowee District;
page 169 #4164 Walter Adams, Coowescoowee District;
page 169 #4165 Cora Adams, Coowescoowee District;
page 169 #4165 Elman Adams, Coowescoowee District.

Q Were you on the Wallace roll yourself? A Yes sir.
Q How were you put down on the Wallace roll, as Katie Adams or Katie Tucker? A Katie Adams.

Wallace roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:
page 98 #2107 Katie Adams, Coowescoowee District.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not found thereon;
1896 census roll of citizens of the Cherokee Nation examined and applicant is not found thereon.

Q Who did you say your mother was? A Her name was Lettie.
Q Was she a slave? A Yes sir.
Q To whom did she belong? A She belonged to Dave Ross I think; she always told us that was her young master.
Q Was he a Cherokee? A Yes sir.
Q Where did he live? A I don't know sir.
Q Who have you here who knows about who your mother belonged to?
A Oh here sister is here; I guess George Vann knows about her owners; they all lived close together I suppose.

WILLIAM TUCKER, having before been sworn by Commissioner Needles, and now being examined by him, testified:

Q Were you married to Lettie? A Yes sir.
Q Have you got a certificate ofmarriage? A No sir, married in Kansas up close to Osawatomie.
Q Were you married according to law? A Yes sir; a preacher married us; we didn't get no license.

Examined by Attorney Smith:

Q When was that that you married? A Oh I guess it must have been about '63, somewheres in the first of '63.
Q Was that the mother of Katie Adams here? A Yes sir.
Q Where was Katie born?A She was born there in Kansas just before we come down here.
Q About how old was she when you come down here? A I guess she must have been about two years old.
Q Where has she been living ever since you brought her here?
A Up here on Cabin Creek, close to where I live.
Q How long did you live with the mother of Katie? A Something near about 25 years anyhow.
Q Who was this girl's mother before you married her, what was her name? A They called her Lettie, she belonged to Dave Roe, but she was living with Ben Hush, some called him Ben Wisdom. But her main owner was Dave Roe.
Q Was he a citizen , an Indian? A Yes sir.
Q In the Cherokee Nation, citizen of the Cherokee Nation? A Yes sir
Q Where was Lettie when the war commenced? A She was here too I reckon, I don't know where she was; I come across her in Kansas.
Q When did she come back to the Cherokee Nation? A She come back with me in '66.
Q You say you were married to this woman Lettie, Katie's mother, inKansas, and lived with her 25 years? A Yes sir.

Examined by Cherokee Representative, L.B.Bell:

Q Is Lettie dead now? A Yes sir.
Q How long has she been dead? A About eight years; she died just before the Wallace payment.
Q Is this your oldest child? A This is the oldest one by me; you know Gilbert Vann is her oldest one, and Steve is the next.
Q This is the oldest child of yours by that last marriage? A Yes sir.
Q When you married this last woman was your first wife dead, Nancy? A Oh yes, Nancy died before the war.

GEORGE VANN, being sworn by Commissioner Needles, testified:

Examined by Attorney Smith:

Q State your name? A George Vann.
Q Where do you live? A I live on Verdigris,river, Cooweescoowee District.
Q How long have you lived there?A Ever since '74.
Q Do you know this applicant, who xxxx sits here, Katie Adams?
A Yes sir.
Q Do you know her father? A Yes sir, her father was named William Tucker.
Q Did you know her mother? A Yes sir.
Q Is her mother living? A She is dead.
Q Do you know whether Katie's father, William Tucker, and her mother were married , or whether they lived together as man and wife?
A They lived together as man and wife; I wasn't there when they married.
Q How long did you know them living together in that way? A I first knowed it in Kansas, about '63 or '64.
Q Do you know when Katie's mother died? A I know, it has been 7 or 8 years.

Q When did you first know Katie's mother and William Tucker? A I have known Katie's mother all my life.
Q Did you know her before the war? A Yessir.
Q To whom did she belong? A I believe she belonged , that is she always went by Roe; she lived with a woman called Pollie Mush, Dave Roe's sister.
Q Where? A Down on Spring Creek, in Saline.
Q Do you know whether she went out of the Nation or not during the war? A Yes sir, she went into Kansas.
Q You know when she came back? A She come back with Bill Tucker in '66.

Examined by Cherokee Representative, L.B.Bell:

Q You say she come back with Bill Tucker? A Yes sir.
Q How do you know? A I saw them.
Q Where at? A Right at Gibson; we started before they did, and first I saw them after I got back I saw them at Ft. Gibson.
Q They wasn't in that Horse Creek fight? A No sir, they was't in it.
Q You saw them at Gibson after you got off of that battle? A Yes sir, the first I saw them after we got back was at Ft.Gibon.

Applicant, KATIE ADAMS, re-called and further examined;
By Commissioner Needles:

Q When were you married to George Adams? A When we first was married Mr. Riley married us in father's house, and then after that they commenced talking about people marrying according to law then we got a license and married over again.
Q That was in 1896? A Yes sir, that's the way it was.

Com'r Needles: Katie Adams applies for the enrollment of herself and eight children; her name is not found upon the authenticated roll of 1880, but is duly identified upon the Kerns-Clifton roll, and the Wallace roll; and the names of her six oldest children are identified upon the Kerns Clifton pay roll; the names of her two youngest children, Ella and Cordelia are not found upon said roll; it will be necessary for her to make satisfactory proof of their birth; she avers that she is the daughter of William Tucker, and that her mother's name was Lettie, who was a Cherokee slave, the facts being more fully stated in the testimony; reference is made to the testimony taken in the application of William Tucker for the enrollment of himself and three grand-children, he having been enrolled on card number D-529; the testimony in said case will be made part of the record in the case of the applicant, and copies of the same will be filed with her testimony; she applies for the enrollment of George Adams, her husband, as an intermarried citizen; she presents satisfactory proof that she was married to George Adams according to the laws of the Cherokee Nation in the year 1896, too late, by the provisions of the laws of the Cherokee Nation to acquire any rights, consequently her application for the enrollment of her husband, George Adams, will be rejected; said applicant and her children enumerated herein will be listed for enrollment as Cherokee Freedmen upon a doubtful roll; by reason of the fact that her name is not upon the authenticated roll of 1880, and her citizenship is contested by the representatives of the Cherokee Nation; when her case is duly considered by the Commission and their conclusion is arrived at, she will be notified of same, by mail.

Katie Adams et al 5

M.D.Green, being first duly sworn states that as stengrapher to the Comm ission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this May 18, 1901.

Commissioner.

23. J. R. 82.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAY 16 1901

ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date May 16, 1901

Post Office Atoka, I. T.

District Canadian

1. Name George Adams Age 46

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

2. Name of wife ..... Age .....

Owners name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

Names of Children:

Rejected

3. ..... Year ..... Page ..... No. ..... Dist. .....
4. ..... Year ..... Page ..... No. ..... Dist. .....
5. ..... Year ..... Page ..... No. ..... Dist. .....
6. ..... Year ..... Page ..... No. ..... Dist. .....
7. ..... Year ..... Page ..... No. ..... Dist. .....
8. ..... Year ..... Page ..... No. ..... Dist. .....
9. ..... Year ..... Page ..... No. ..... Dist. .....
10. ..... Year ..... Page ..... No. ..... Dist. .....
11. ..... Year ..... Page ..... No. ..... Dist. .....
12. ..... Year ..... Page ..... No. ..... Dist. .....

Application made by Katie Adams (wife) Stenographer M. D. Green

330

Rej

Department of the Interior.

Commission to the Five Civilized Tribes.

In the matter of the application for enrollment of William Davis, et al., as citizens by intermarriage of the Cherokee Nation, consolidating the applications of:

William Davis,	Cherokee Freedmen D— 14,
Henry Thomas,	Cherokee Freedmen D— 58,
Ella Vann,	Cherokee Freedmen D— 70,
Mary Markham,	Cherokee Freedmen D—109,
Frances Melton,	Cherokee Freedmen D—110,
John Dotson,	Cherokee Freedmen D—111,
Mary Jane Vann,	Cherokee Freedmen D—115,
Thomas Lowe,	Cherokee Freedmen D—119,
Ella Mayfield,	Cherokee Freedmen D—124,
Sallie Rider,	Cherokee Freedmen D—147,
Reuben Campbell,	Cherokee Freedmen D—167,
Van Jackson Luther,	Cherokee Freedmen D—174,
Cassie Midleton,	Cherokee Freedmen D—178,
Mary Harlin,	Cherokee Freedmen D—179,
Nellie Fields,	Cherokee Freedmen D—183,
John Kimbo,	Cherokee Freedmen D—198,
William S. Madden,	Cherokee Freedmen D—199,
Jane Bean,	Cherokee Freedmen D—205,
Albert T. Thomas,	Cherokee Freedmen D—249,
Mary Campbell,	Cherokee Freedmen D—279,
Caroline Daniels,	Cherokee Freedmen D—282,
Melvina Alberty,	Cherokee Freedmen D—287,
Dave Morris,	Cherokee Freedmen D—286,
Alexander Claggett,	Cherokee Freedmen D—303,
Amanda Martin,	Cherokee Freedmen D—304,
Eliza Martin,	Cherokee Freedmen D—317,
John E. Barnes,	Cherokee Freedmen D—318,
Bell Davis,	Cherokee Freedmen D—335,
Samuel Brown,	Cherokee Freedmen D—345,
Howard F. Watson,	Cherokee Freedmen D—347,
Jack McConnell,	Cherokee Freedmen D—349,
Maude Manley,	Cherokee Freedmen D—353,

George Reed, Sr.,	Cherokee Freedmen D—382,
Buck Ledman,	Cherokee Freedmen D—406,
Bell Thompson,	Cherokee Freedmen D—411,
Lewis Scott,	Cherokee Freedmen D—420,
Abe Scott,	Cherokee Freedmen D—421,
Kender Langston,	Cherokee Freedmen D—423,
Thomas B. Allen,	Cherokee Freedmen D—424,
Lewis Vanderford,	Cherokee Freedmen D—426,
John L. Bowlin,	Cherokee Freedmen D—444,
Katie Davis,	Cherokee Freedmen D—455,
Charles Williams,	Cherokee Freedmen D—473,
John J. Rose,	Cherokee Freedmen D—474,
Jane Martin,	Cherokee Freedmen D—486,
Lena Peterson,	Cherokee Freedmen D—490,
Alex Johnson,	Cherokee Freedmen D—493,
Martha Vann,	Cherokee Freedmen D—495,
John Scott,	Cherokee Freedmen D—501,
Nancy Ross,	Cherokee Freedmen D—513,
Charles C. Smith,	Cherokee Freedmen D—514,
Susie Colbert,	Cherokee Freedmen D—520,
William Skaggs,	Cherokee Freedmen D—545,
Susie Johnson,	Cherokee Freedmen D—546,
Alfred P. Hopkins,	Cherokee Freedmen D—550,
Kizzie Vann,	Cherokee Freedmen D—552,
Freddie Looney,	Cherokee Freedmen D—573,
Lucy Chouteau,	Cherokee Freedmen D—584,
Alice Durant,	Cherokee Freedmen D—588,
Mahaley Ward,	Cherokee Freedmen D—606,
Fred D. Thomas,	Cherokee Freedmen D—650,
Bettie Beck,	Cherokee Freedmen D—665,
Ellis Warren,	Cherokee Freedmen D—687,
Millie Robinson,	Cherokee Freedmen D—674,
Mary Webber,	Cherokee Freedmen D—691,
Frances Martin,	Cherokee Freedmen D—692,
Mary Riley,	Cherokee Freedmen D—696,
Emanuel Taylor,	Cherokee Freedmen D—699,
Henry Sykes,	Cherokee Freedmen D—733,
Larkin F. Powell,	Cherokee Freedmen D—735,
Stepney Dawn,	Cherokee Freedmen D—736,
Malinda Vann,	Cherokee Freedmen D—741,
Frances Johnson,	Cherokee Freedmen D—742,
Annie Foster,	Cherokee Freedmen D—743,
Mary H. Rogers,	Cherokee Freedmen D—752,
George Washington Lane,	Cherokee Freedmen D—758,
Jane Brown,	Cherokee Freedmen D—760,

Samuel L. Young,	Cherokee Freedmen D—761,
John Buckner,	Cherokee Freedmen D—780,
Willis Cox,	Cherokee Freedmen D—781,
Leonard Bowles,	Cherokee Freedmen D—787,
Malinda Murrell,	Cherokee Freedmen D—788,
Charles Claggett,	Cherokee Freedmen D—789,
Samuel Irven,	Cherokee Freedmen D—798,
Mary Rose,	Cherokee Freedmen D—799,
Maggie Nave,	Cherokee Freedmen D—808,
Neoma Nave,	Cherokee Freedmen D—816,
Ella Rose,	Cherokee Freedmen D—840,
Elizabeth Duncan,	Cherokee Freedmen D—871,
Sadie Adams,	Cherokee Freedmen D—880,
Georgeann Archer,	Cherokee Freedmen D—901,
John Claggett,	Cherokee Freedmen D—912,
Hattie Smith,	Cherokee Freedmen D—923,
Jack Jackson,	Cherokee Freedmen D—938,
Lula Sanders,	Cherokee Freedmen D—973,
George Haselrig,	Cherokee Freedmen D—987,
Lizzie West,	Cherokee Freedmen D—990,
Maria French,	Cherokee Freedmen D—1010,
Mary Johnson,	Cherokee Freedmen D—1039,
Maggie Vann,	Cherokee Freedmen D—1062,
William Hudson,	Cherokee Freedmen D—1067,
Sarah Rogers,	Cherokee Freedmen D—1078,
Abraham Ballard,	Cherokee Freedmen D—1082,
Laura David,	Cherokee Freedmen D—1085,
John Deckman,	Cherokee Freedmen D—1105,
James B. Perry,	Cherokee Freedmen R— 39,
Isaac Welch,	Cherokee Freedmen R— 45,
Lawson Logan,	Cherokee Freedmen R— 48,
George Howell,	Cherokee Freedmen R— 56,
Henry Masir,	Cherokee Freedmen R— 72,
George Adams,	Cherokee Freedmen R— 82,
Annie Thomas,	Cherokee Freedmen R— 83,
Lewis McConnell,	Cherokee Freedmen R— 86,
Callie Vann,	Cherokee Freedmen R— 94,
Lou Peters,	Cherokee Freedmen R— 96,
Ida Adair,	Cherokee Freedmen R— 99,
Robert Brown,	Cherokee Freedmen R—100,
Allie Chambers,	Cherokee Freedmen R—102,
Isom Jones,	Cherokee Freedmen R—104,
Alice Gunter,	Cherokee Freedmen R—105,
Katie Adair,	Cherokee Freedmen R—106,
Carrie Martin,	Cherokee Freedmen R—107,

Benjamin Clarke,	Cherokee Freedmen R—108,
Emily Heaney,	Cherokee Freedmen R—110,
John Groves,	Cherokee Freedmen R—113,
Matilda McNair,	Cherokee Freedmen R—114,
Bettie Vann,	Cherokee Freedmen R—122,
Nelson Lett,	Cherokee Freedmen R—125,
Fannie Rogers,	Cherokee Freedmen R—129,
William Washington,	Cherokee Freedmen R—141,
Squire Warren Owens,	Cherokee Freedmen R—143,
Fannie Gehlsby,	Cherokee Freedmen R—144,
Susan Daniels,	Cherokee Freedmen R—146,
Anderson Turk,	Cherokee Freedmen R—148,
David Lane,	Cherokee Freedmen R—155,
Felix McClain,	Cherokee Freedmen R—165,
Henderson Jones,	Cherokee Freedmen R—173,
Belle Vann,	Cherokee Freedmen R—181,
Levi Stroud,	Cherokee Freedmen R—196,
John Sumpter,	Cherokee Freedmen R—311,
Mariah Thompson,	Cherokee Freedmen R—330,
Ellen Sheppard,	Cherokee Freedmen R—337,
Lula Melton,	Cherokee Freedmen R—347.

DECISION.

It appears from the record herein that applications for enrollment as Cherokee citizens by intermarriage, were made to this Commission by William Davis for himself; by Hannah Thomas for her husband, Henry Thomas; by Jim Vann for his wife, Ella Vann; by Sig Markham for his wife, Mary Markham; by Nathan Melton for his wife, Frances Melton; by Mary Dotson for her husband, John Dotson; by George W. Vann for his wife, Mary Jane Vann; by Thomas Lowe for himself; by Thomas Mayfield for his wife, Ella Mayfield; by James Rider for his wife, Sallie Rider; by Reuben Campbell for himself; by Van Jackson Luther for himself; by Tobe Midleton for his wife, Cassie Midleton; by Thomas Harlin for his wife, Mary Harlin; by John Fields for his wife, Nellie Fields; by John Kimbo for himself; by William N. Madden for himself; by Tobias Bean for his wife, Jane Bean; by Etta Thomas for her husband, Albert T. Thomas; by James Campbell for his wife, Mary Campbell; by Frank Daniels for his wife, Caroline Daniels; by Jim Alberty for his daughter-in-law, Melvina Alberty; by Sarah Morris for her husband, Dave Morris; by Jane Claggett for her husband, Alexander Claggett; by Payton Martin for his wife, Amanda Martin; by Charles Martin for his wife, Eliza Martin; by John E. Barnes for himself; by Joe Davis for his wife, Bell Davis; by Ellen Brown for her husband, Samuel Brown; by Mary Ann Watson for her husband, Howard F. Watson; by Jack McConnell for himself; by Maude Manley for herself; by George Reed, Sr., for himself; by Buck Ledman for himself; by Bell Thompson for herself; by Lewis Scott for himself; by Abe Scott for

himself; by Kender Lampton for himself; by Thomas E. Allen for himself; by Lewis Vanderford for himself; by Elizabeth Bowlin for her husband, John L. Bowlin; by John D. Davis for his wife, Katie Davis; by Charles Williams for himself; by John J. Rose for himself; by David Martin for his wife, Jane Martin; by Fred Peterson for his wife, Lena Peterson; by Mariah Johnson for her husband, Alex Johnson; by Joseph Vann for his wife, Martha Vann; by John Scott for himself; by Steve Looney for Nancy Ross; by Charles C. Smith for himself; by James Colbert for his wife, Susie Colbert; by Rosanna Skaggs for her husband, William Skaggs; by Susie Johnson for herself; by Alfred P. Hopkins for himself; by Charles Vann for his wife, Kizzie Vann; by Jake Looney for his wife, Freddie Looney; by Lucy Chouteau for herself; by Alice Durant for herself; by Alonzo Ward for his wife, Mahaley Ward; by Fred D. Thomas for himself; by Benjamin Beck for his wife, Bettie Beck; by Ellis Warren for himself; by William Henry Robinson for his wife, Millie Robinson; by Josh Webber for his wife, Mary Webber; by Otto Martin for his wife, Frances Martin; by Ed Riley for his wife, Mary Riley; by Eunanuel Taylor for himself; by Henry Sykes for himself; by Larkin P. Powell for himself; by Stepney Dawn for himself; by Ellis Vann for his wife, Malinda Vann; by David Johnson for his wife, Frances Johnson; by Phillip Foster for his wife, Annie Foster; by Houston Rogers, Jr., for his wife, Mary H. Rogers; by George Washington Lane for himself; by Silas Hammer Brown for his wife, Jane Brown; by Samuel L. Young for himself; by Lizzie Buckner for her husband, John Buckner; by Sarah Cox for her husband, Willis Cox; by Susan Bowles for her husband, Leonard Bowles; by Henry Murrell for his wife, Malinda Murrell; by Charles Claggett for himself; by Samuel Irven for himself; by David Ross for his wife, Mary Ross; by George F. Nave for his wife, Maggie Nave; by Lewis Armstead Nave for his wife, Neoma Nave; by Perry Ross for his wife, Ella Ross; by Elizabeth Duncan for herself; by Perry Adams for his wife, Sadie Adams; by Thomas Archer for his wife, Georgeann Archer; by Nancy Claggett for her husband, John Claggett; by Sonny Smith for his wife, Hattie Smith; by Jack Jackson for himself; by John Sanders for his wife, Lula Sanders; by Mary Hazelrig for her husband, George Hazelrig; by George West for his wife, Lizzie West; by Maria French for herself; by Mary Johnson for herself; by Maggie Vann for herself; by William Hudson for himself; by Sarah Rogers for herself; by Abraham Ballard for himself; by King David for his wife, Laura David; by John Deckman for himself; by James B. Perry for himself; by Isaac Welch for himself; by Nancy Logan for her husband, Lawson Logan; by Maria Howell for her husband, George Howell; by Amanda Masir for her husband, Henry Masir; by Katie Adams for her husband, George Adams; by Willie Thomas for his wife, Annie Thomas; by Lewis McConnell for himself; by Josh Vann for his wife, Callie Vann; by Lou Peters for herself; by Robert Adair for his wife, Ida Adair; by Josie Brown for her husband, Robert Brown; by Mat Chambers for his wife, Allie Chambers; by Rachel Jones for her husband, Isom Jones; by Lewis Gunter for his wife, Alice Gunter; by Amos Adair for his wife, Katie Adair; by William H. Martin for his wife, Carrie Martin; by Benjamin Clark for himself; by Emily Looney for herself; by Mary Groves for her husband, John Groves; by Butler McNair for his wife, Matilda McNair; by Bettie Vann for herself; by Nelson Lett for himself; by Allen Rogers for his wife, Fannie Rogers; by William Washington for himself; by Squire Warren Owens for himself; by Fannie Goldsby for herself; by Charles Daniels for his wife, Susan Daniels; by Rachel Turk for her husband, Anderson Turk; by David Lane for himself; by Felix McClain for himself; by Henderson Jones for himself; by Isaac Vann for his wife, Belle Vann; by Maggie Stroud for her husband, Levi Stroud; by John Sumpter for himself; by Mariah Thompson for herself; by Ellen Sheppard for herself; and by Lula Melton for herself, claiming their right thereto by virtue of their marriage to Freedmen Cherokee citizens.

The record further shows that none of the applicants herein make any claim to enrollment as citizens of the Cherokee Nation other than as set forth above.

It further appears from the record herein that at the time applications were made for the enrollment of the above named applicants, application was also made for the enrollment of other applicants as Cherokee Freedmen, but said applications being differently classified are not included in this decision.

It does not appear that any of the applicants herein are identified upon the 1880 Authenticated Cherokee Roll, nor does it appear that any of said applicants has ever been admitted to Cherokee citizenship by a duly constituted court or committee of the Cherokee Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321).

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Lemuel Welcome, (I. T. D. 5848-1904, 11,776-1904), the applications made for the enrollment of William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Midleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Melinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazeltig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington,

Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by intermarriage, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[SIGNED] TAMS BIXBY,
Chairman.

[SIGNED] T. B. NEEDLES,
Commissioner.

[SIGNED] C. R. BRECKINRIDGE,
Commissioner.

MUSKOGEE, INDIAN TERRITORY, JANUARY 19, 1905.

COPY.

[illegible]

Muskogee, Indian Territory, January 27, 1896.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted record of proceedings had in the matter of the applications for the enrollment of, William [illegible], Henry [illegible], Ella Vann, Mary Markham, Frances Melton, Jesse Jetson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie [illegible], Reuben Campbell, Van Pearson Luther, Cassie Middleton, Mary [illegible], Nellie Pigeon, John Kimbo, William S. Mathis, Jesse Bean, Albert T. Thomas, Mary Campbell, Caroline [illegible], Malinda Alberty, [illegible] Morris, Alexander Claggett, [illegible] Martin, Miss Mathis, John T. Barnes, Bell Davis, Samuel Brown, Rhoda F. Watson, Jack McCarnagil, Minnie Manley, George Reed, Sr., Jack Lemon, Nell Tillerson, Lewis Scott, Ida Scott, Chesley Hampton, Thomas E. Allen, Lewis Vandiver, John L. Dustin, Emily Davis, Charles Williams, Jesse J. Vann, Jane Martin, Lena Brannon, Rhea Johnson, Martha Vann, Jane Scott, Nancy Ross, Charley C. Smith, Susie Gilbert, William Skaggs, Susie Fibbern, Alfred P. Boynton, Minnie Vann, Priscilla Lewis, Lucy Chanteau, Alice Barnet, Nobuley Tate, Hugh S. Tiger, Nettie Rook, Ellis Warren, William Robinson, Mary [illegible],

Frances Martin, Mary Riley, [redacted] Taylor, [redacted], [redacted] Powell, Stepney Dawn, Malinda Vann, [redacted], [redacted], Mary E. Rogers, George Washington Lane, [redacted], [redacted], John Buckner, Willis Cox, Leonard Bowles, [redacted], [redacted], Claggett, Samuel Irven, Mary Rose, Maggie [redacted], [redacted], Rose, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lincie West, Maria French, Mary Johnson, Maggie Vann, William [redacted], Sarah Rogers, Abraham Ballard, Laura David, John [redacted], [redacted], Isaac Welch, Lawson Logan, George Howell, Emory Mamir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Rogers, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice [redacted], Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lott, Fannie Rogers, William Washington, Squire Warren [redacted], Fannie Goldsby, [redacted] Daniels, Andrew Turk, David Lane, Felix McClain, [redacted] Jones, Ellis Vann, Levi Strong, John [redacted], [redacted], Ellen Sheppard and Lula Melton, as Cherokee citizens by intermarriage, including the Commission's decision dated January 19, 1905, rejecting said Applications.

Respectfully,

(SIGNED) Tams Bixby.
[redacted].

Encl. E-8.

Through the
Commissioner of Indian Affairs.

COPY.

Cherokee Freedmen
3-14 et al.

Muskogee, Indian Territory, January 24, 1903.

Ball, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1903, rejecting the applications for the enrollment of, William Davis, Henry Thomas, Lila Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Lila Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Martin, Hallie Fields, John Kibbs, William S. Maiden, Jane Penn, Albert T. Thomas, Mary Campbell, Caroline Daniels, Malvina Alberty, Dave Morris, Alexander Chappett, Amanda Martin, Eliza Martin, John H. Barnes, Bell Lewis, Samuel Brown, Howard P. Watson, Jack McConnell, Manda Manley, George Reed, Sr., Buck Ledbetter, Bell Thompson, Lewis Scott, Ike Scott, Kendall Lampton, Thomas E. Allen, Lewis Vanderford, John T. Rowlin, Katie Davis, Charles Williams, John J. Ross, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Minnie Vann, Freddie Letney, Lucy

Cheuteau, Alice Durant, Wahaley Ward, Fred D. Thomas, Bettie Reek, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stephney [illegible], Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Emma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Ezzelrig, Linnie West, Maria French, Mary Johnson, Maggie Vann, William Watson, Sarah Rogers, Abraham Ballard, Laura David, John [illegible], Agnes E. Perry, Isaac Welch, Lawson Legum, George Powell, Henry Muir, George Adams, Annie Thomas, Lewis McJennell, Callie Vann, Lee Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Kable Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Graves, Matilda McNair, Bettie Vann, Tulsey Lash, Fannie Rogers, William Washington, Squire Harvet Owens, Bunnie McKinley, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Sallie Vann, Levi Stroud, John Gunter, Mariah Thompson, Miles Sheppard and Lula Melton, as Cherokee citizens by intermarriage.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the

Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Incl. K-9.

COPY.

Cherokee Freedmen

R-82.

Muskogee, Indian Territory, January 24, 1906.

George Adams,

Welch, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1906, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

SIGNED. Tams Bixby.
Chairman.

Incl. S-78.

Register.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, March 20, 1905.

Refer in reply
to the following:
Land.
7908-1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 24, 1905, transmitting the record of the application for enrollment as Cherokee citizens by intermarriage to Cherokee freedmen by William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Detsen, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbe, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Petersen, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Lockey, Lucy Chanteau,

Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary M. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Emma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deekman, James B. Perry, Isaac Welch, Lawson Logan, George Nowell, Henry Nesir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Hattie Vann, Nelson Lott, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Park, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Allen Sheppard, and Lula Holton.

January 19, 1905, the Commission decided adversely to all the applicants.

The record shows that none of the applicants makes claim to enrollment as citizens of the Cherokee Nation, except by intermarriage with a Cherokee freedman; that none has ever been enrolled or admitted to citizenship by any tribal authority of the Cherokee Nation or by any United States tribunal and that none is

identified on the 1880 authenticated Cherokee roll.

In view of the record and of the ruling of the Department of November 12, 1904 (I. T. D. 5848-1904) in the Leonard Welcome case, the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

[redacted]

Acting Commissioner.

E.M.M.
W.

D.C. 20677-1905 (C O P Y) W.C.V.
I.T.D. 2904-1905 F MB

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

L R S April 17, 1905

Commission tothe Five Civilized Tribes.

Muskogee, Indian Territory.

Gentlemen:

January 24, 1905, you transmitted the record in the matter of the applications for the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation, including your decision of January 19, 1905, rejecting said applications viz:

William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Midleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Malden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John M. Barnes, Nell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Nell Thompson, Lewis Scott, Abe Scott, Nender Lampton, Thomas M. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Maple Gilbert,

William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Cheuteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Tayler, Henry Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Neema Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith Jack Jackson, Lula ganders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, garah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welsh Lawson Logan, George Howell, Henry Nasir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Alair, Robert Brown, Allie Chambers Isam Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair , Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Andersen Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Marish Thompson, Ellen Sheppard and Lula Melton.

Reporting in the matter March 21, 1905, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Thomas Ryan
Acting Secretary.

1 inclosure

COPY.

Cherokee Freedmen

R-82.

Muskogee, Indian Territory, April 28, 1905.

George Adams,

Welch, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting, among others, the application for the enrollment of yourself as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED). Tams Bixby.

Chairman.

COPY.

Cherokee Freedmen
D 14, et al.

Muskogee, Indian Territory, April 22, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the applications for the enrollment of William Davis et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED) Tams Bixby.
Chairman

COPY.

Cherokee Freedmen
D-14, et al.

Muskogee, Indian Territory, April 28, 1906.

Commissioner in Charge,
Cherokee Land Office,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1906, rejecting the applications for the enrollment of William Davis, et al., as Cherokee freedmen by intermarriage, was affirmed by the Secretary of the Interior on April 21, 1906.

Respectfully,

SIGNED. Tams Bixby.
Chairman.

IN THE MATTER OF THE APPLICATION OF

George Adams

FOR ENROLLMENT AS

CHEROKEE FREEDMEN

A. Original testimony May 16 [illegible]

B. Mem. of application " "

D 329

[illegible] testimony filed with
[illegible] Cherokee Nation

See [illegible] Cherokee Freedmen file
No D 330

Cher Fr R 83

Cher Fr R 83

(C O P Y)

REJECTED: as to wife, Annie:

Department of the Interior,
Commission to the Five Civilized Tribes.
Vinita, I.T. May 16, 1901.

In the matter of the application of Willie Thomas for the enrollment of himself and wife as Cherokee Freedmen; being sworn and examined by Commissioner Needles, he testified as follows:

Q What is your name? A Willie Thomas?
Q What is your age? A 26
Q WWhat is your post-office address? A Dora, Arkansas.
Q Where do you live? A In Sequoyah District.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you desire to enroll besides yourself? A Myself and wife.
Q What is your wife's name? A Annie.
Q How old is she? A She is 21
Q Is she a citizen? A No sir.
Q She is a non-citizen? A Non-citizen.
Q When did you marry her? A In 1896
Q No children? A No sir.
Q Is your name on the authenticated roll of 1880? A No sir
Q Does it appear upon any of the rolls of the Cherokee Nation?
A Nothing but the Clifton.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not found.

Q Where were you born? A At Tahlequah.
Q Cherokee Nation? A Yes sir.
Q You always lived in the Cherokee Nation? A Yes sir.
Q Your wife is known as a state woman? A Yes sir.
Q Where were you married? A In Sequoyah

Kerns-Clifton pay roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows: page 171 #4220 Willie Thomas, Cooweescoowee. District.

Q What was your father's name? A Charlie Thomas.
Q What is your mother's name? A Carrie West.
Q That's her present name? A Yes sir.
Q She married to Thomas before she married Mr. West? A That's what she told me.
Q You don't know anything about your mother being a slave? or out of the Territory other than the testimony she gave? A No sir, first thing I know I was living out here on Panter Creek.
Q You have always lived in the Cherokee Nation? A Yes sir

Examined by Cherokee Representative, L. B. Bell:

Q You are Carrie West's son, that just now applied? A Yes sir

Com'r Needles: Willie Thomas applies for the enrollment of himself and his wife, Annie: he avers that he is a child of Carrie West by her former husband, Charlie Thomas; his name is not found upon the authenticated roll of 1880, but it is identified upon the Kerns-Clifton roll; he makes satisfactory proof as to residence, and reference is made to the testimony

taken in the application of his mother for enrollment, which will be found in connection with D 336, which testimony will be made a part of the record in the case of the applicant, a copy thereof will be filed with the testimony now being taken; consequently, Willie Thomas will be listed for enrollment as a Cherokee Freedman upon what is known as a doubtful card, by reason of the fact that his name does not appear upon the authenticated roll of 1880, neither does that of his mother, and his citizenship is contested by the representatives of the Cherokee Nation; when the Commission arrives at a conclusion in his case he will be notified of the same by mail.

He applies for the enrollment of his wife, Annie; he avers that she is a non-citizen and he married her in 1896; she is a state woman; according to the laws of the Cherokee Nation intermarried persons after 1895 acquire no rights as Cherokee citizens, consequently, application for the enrollment of his wife, Annie, will be rejected.

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M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic noted thereof.

(Signed) M.D. Green

Subscribed and sworn to before me this May 18, 1901.

(Signed) T. B. Needles
Commissioner

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Lucy M. Bowman being fi st duly sworn states that as stenographer to the Commission to the Five Civilized Tribes she made the foregoing copy and that the same is a true and complete copy of the original transcript.

Lucy M Bowman

Subscribed and sworn to before me this 15th day of March 1905.

Myron White
Notary Public.

B. J. A. 83

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAY 16 1901

ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date May 16, 1901

Post Office Dyna Ark

District Sley

1. Name ..... Age .....

Citizenship .....

Owner's name .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

2. Name of wife Annie Thomas Age 21

Citizenship .....

Owners name .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

Names Rejected

3. ..... Year ..... Page ..... No. ..... Dist. .....

4. ..... Year ..... Page ..... No. ..... Dist. .....

5. ..... Year ..... Page ..... No. ..... Dist. .....

6. ..... Year ..... Page ..... No. ..... Dist. .....

7. ..... Year ..... Page ..... No. ..... Dist. .....

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9. ..... Year ..... Page ..... No. ..... Dist. .....

10. ..... Year ..... Page ..... No. ..... Dist. .....

11. ..... Year ..... Page ..... No. ..... Dist. .....

12. ..... Year ..... Page ..... No. ..... Dist. .....

Application made by Mrs Thomas Stenographer M. D. Green

X Mark

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, March 6, 1905.

In the matter of the application for the enrollment of Millie White et al. as Cherokee Freedmen, consolidating the applications of:

Millie White ----------Cherokee Freedman-R-317,
Jim H. White ----------Cherokee Freedman-R-320,
Harry White ----------Cherokee Freedman-R-321,
Annie Thomas ----------Cherokee Freedman-R- 83,
Yancy Vincent ----------Cherokee Freedman-D-1088.

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On February 10, 1905, Neal & London, attorneys for the applicants, and Bell, Hastings & Davenport, attorneys for the Cherokee Nation, were notified that the matter of the application for the enrollment of Millie White et al. would be taken up for hearing on March 6, 1905, at 9:00 o'clock A. M..

On this, the 6th. day of March, 1905, the applicants appear not, either in person or by attorney, and the Cherokee Nation represented by William W. Hastings. No request for continuance has been received from the applicants or their attorneys.

Ben White, being first duly sworn, testified as follows:

Q. What is your name? A. Ben White.
Q. What is your post office address? A. Rowland, Indian Territory.
Q. What is your age? A. I will be 47 the first of June.
Q. Do you live in the Cherokee Nation? A. Yes sir.
Q. Do you know Yancy Vincent? A. Yes sir.
Q. Where does he live? A. He lives in the Cherokee Nation.
Q. How far from you? A. He lives a little over a mile from me
Q. Do you know Millie White? A. Yes sir.
Q. Is she a colored woman? A. Yes sir.
Q. How far does she live from you? A. I guess she lives about two miles or more.
Q. What relation are Millie White and Yancy Vincent? A. Brother and sister.
Q. Which is the elder? A. Millie.
Q. How long have you known Millie White? A. Ever since I was a little bitty fellow---ever since I could remember anybody.
Q. Where did you know her? A. In North Alabama.
Q. How long have you known Yancy Vincent? A. We were just little boys directly after the surrender. I have known him ever since we were little bitty fellows.

Q. Were you a slave? A. Yes sir.
Q. To whom did you belong? A. Drewey Vincent.
Q. Where did you live? A. In North Alabama.
Q. Near what town? A. Seven miles east of Tuskumba and two miles west of Leighton.
Q. Who did Millie White and Yancy Vincent belong to? A. I always knowed that they belonged to the same man that I belonged to.
Q. When you could first recollect they were living there? A. Yes sir.
Q. When you knew them were they living there? A. Yes sir, and they went by the name of Vincent.
Q. How long did they continue to live there in North Alabama?
A. They lived there up to '81.
Q. How long did you live there? A. Till '81.
Q. Where did you go to then? A. After I left Alabama.
Q. Yes? A. I come to Arkansas.
Q. What place in Arkansas? A. Pine Bluff.
Q. Did you know Commissioner Breckinridge? A. Yes sir.
Q. Did you and Millie White and Yancy Vincent move there together from Alabama? A. I come in August, Yancy come in November, and Millie at Christmas in '81.
Q. How long did you stay at Pine Bluff? A. I come to the Cherokee Nation in 1893.
Q. Which come first, you or Millie White and Yancy Vincent?
A. I come on the train and brough Millie with me. Yancy come through the country.
Q. Had Millie Married? A. Yes sir.
Q. Where did she marry? A. In North Alabama.
Q. She was married when she come to Pine Bluff? A. Yes sir.
Q. Where did Yancy marry? A. In Arkansas, near Pine Bluff.
Q. Was Yancy ever married more than once? A. Yes sir.
Q. Was he married the first time at Pine Bluff? A. No sir, he was married in North Alabama.
Q. What became of his first wife? A. She died after they come to Arkansas, down there about Wabeeska.
Q. And he married the second time at Pine Bluff, Arkansas? A. Yes sir.
Q. Did you live in the town of Pine Bluff? A. No sir, I lived six miles in the country.
Q. Where did these people live? A. When they first stepped they were on the Trulock place near Wabeeska, and then they went from there to the Cherokee Nation.
Q. You said you brought Millie along on the train? A. Yes sir.
Q. Did her husband come along? A. He come through the country
Q. What was her husband's name? A. Gib White.
Q. Was she ever married but the one time? A. No sir.
Q. Do you know Millie White's children? A. Yes sir.
Q. Do you know one by the name of Jim H. White? A. Yes sir.
Q. Is he married? A. Yes sir.
Q. Do you know his wife's name? A. Sarah.
Q. Has he any children? A. Yes sir.
Q. How many? A. I think he has got about four.
Q. Do you know their names? A. No sir, they are small. They all have nicknames, and I don't know them.

Q. Do you know any of the others of Millie White's children? A. Yes sir.
Q. What are their names? A. I know Harry.
Q. Where was Harry born? A. In North Alabama.
Q. Do you know where Jim H. Was born? A. In North Alabama.
Q. Have they a younger child named Viola? A. Yes sir.
Q. Where was she born? A. In North Alabama.
Q. All three of these children were born in North Alabama? A. Yes sir, and one named Annie, too.
Q. Have they got another on by the name of Annie? A. Yes sir, and one by the name of Ruthie.
Q. Where is Annie living? A. She is staying on Mr. Payne's place.
Q. Who did she marry? A. Bill Thomas.
Q. Is he a Freedman? A. Yes sir.
Q. He married Annie White? A. Yes sir.
Q. They were married down here in the Cherokee Nation? A. Yes sir.
Q. Where was Annie Thomas born? A. In Alabama.
Q. Did you say that you brought Millie White with you on the train when you came in '93 from Pine Bluff, Arkansas? A. Yes sir, I come with her.
Q. Had she ever been in the Cherokee Nation before? A. Not that I knew of.
Q. They never claimed then that they belonged here? A. No sir, not as I heard.
Q. They never claimed then to be citizens of the Cherokee Nation?
A. If they did I din't hear them.
Q. When did Yancy Vincent come to the Cherokee Nation? A. In '93, in August.
Q. Was it before or after you came? A. After. I came in February.
Q. Where did he leave when he came here? A. Down there about a place they call----down below Wabesaka?
Q. How far from Pine Bluff? A. I don't know how far it is. He worked down there in some shingle mills.
Q. Has Yancy Vincent a family? A. Yes sir.
Q. You say he married his second wife at Pine Bluff? A. Yes sir.
Q. Did he have any children by his first wife? A. Yes sir.
Q. What are their names? A. Lish, Matilda, and William Yancy.
Q. Did he have a child by his first wife named William Yancy?
A. Yes sir.
Q. Where is he? A. He died. He and his mother both died down there.
Q. Has he any children by his last wife? A. Yes sir.
Q. Do you know their names? A. No sir, I don't know them---- I mean I don't know their names. He has three or four there. They are small. I have got the name of one of them right on my tongue, but I can't call it.
Q. Is one named Colwest? A. Col--- that is it. I do not know about any but Col, but he is going to school with my children.

COMMISSION:

Q. How old do you say you are? A. According to the way my age is given to me, I will be 47 the first of June of this year.

Q. Who was the mother of Millie White? A. Her mother was named Charlotte.
Q. Did you come with Millie White and Yaney Vincent from Alabama to Arkansas? A. I did not come with them, but they come to Arkansas in the same year.
Q. Who came first? A. Me. I got there first.
Q. When did you come? A. In '81.
Q. Did you know Millie White and Yaney Vincent all the time from the war up to the time you came to Arkansas? A. I knowed them ever since directly after the surrender.
Q. Did you know them continuously? A. Yes sir.
Q. How near did you live to them? A. Sometimes on the same place, and sometimes just be moved off to other places, like people do.
Q. Could they have gone away for about a year at the close of the war and you not know anything about it? A. Yes sir.
Q. Could they have gone away for more than a year and you not know it? A. They might have gone for two years.
Q. Did they ever tell you that they had been to the Cherokee Nation prior to 1881? A. No sir.
Q. Did you meet them often? A. Yes sir, excusing the two years I have spoke about. At that time I was up on the Tennessee river.
Q. You visited at their houses? A. No sir, but I saw them at church.
Q. Did you ever take any meals at their houses? A. No sir.
Q. You never heard them say anthing about being in the Cherokee Nation? A. No sir.
Q. Did you ever live in Arkenter? A. No sir.
Q. Did you ever live in Little Rock? A. No Sir.
Q. Are you an applicant before this Commission as a Freedman? A. No sir, I am a state man.
Q. Have you ever made any application before this Commission
A. No sir.
Q. When did you first find out that Millie White and her relatives had made application as Cherokee Freedmen? A. Let me see--- I do not know. I couldn't tell just exactly when, but I have been hearing it a good while.
Q. About when did you hear it first? A. It has been two or three years, I reckon.
Q. Did you tell anyone at the time you heard this that these people were living in Alabama at the time of the war? A. No sir, nobody never asked me about it.
Q. When were you first asked to testify in this case? A. I believe last year.
Q. Who asked you? A. I believe Mr. Frank Morgan asked me if I knowed them in Alabama, and I told him--yes, I knowed them.
Q. Have you ever had any trouble with any of these applicants.
A. No sir.
Q. Are you good friends? A. Yes sir.
Q. How near do you live to them? A. I live about a mile from Yaney---it may be a few steps over a mile, but we call it a mile.
Q. Did you ever talk to Yaney about this case? A. No sir.
Q. Did you ever talk to Millie White about it? A. No sir.

Mr. Hastings:

Q. You are sure you are not mistaken? A. No sir, I know these people.

Q. You understand do you that you are under oath? A. Yes sir.
Q. You swear positively that you knew of your own knowledge that from about two years after the war up to 1881 these people lived in Alabama? A. Yes sir, excusing the two years that I was up on the Tennessee river.
Q. Then, with the exception of two years after the war up to 1881 you knew that these people lived in Alabama? A. Yes sir.
Q. They might have been in the Cherokee Nation those two years after the war? A. They might have been but I never heard of it.

COMMISSION:

Q. Where were you when you can first remember? A. I was living there with Vincent.
Q. With your old master? A. Yes sir.
Q. Where was Millie White at that time? A. She was on the place. I was his servant -- to wait on him, and Millie was on the place.
Q. Where was Yancy Vincent? A. He was on the place, too.
Q. Was Millie White married when you can first remember? A. Yes sir, they said that she was married.
Q. Did you go away from there a year or two after the war? A. I left and went up on the Tennessee river and stayed two years.
Q. How far from where you had been living? A. About 15 miles.
Q. When you came back were these people still living there? A. I didn't see Yancy, but I saw Millie.
Q. How long after you came back? A. About six months. You know a boy running around, like me, nobody could keep him at home. But I saw Yancy about six months after that.
Q. Had the war closed when you left there? A. Oh! yes sir, that was after the surrender.
Q. How long after the surrender was it that you went up on the Tennessee river? A. I went up there in '70.
Q. Then up to '70 from your very earliest recollection Millie White and Yancy Vincent were there on old man Vincent's place?
A. Yes sir.
Q. You said that they belonged to the man to whom you belonged?
A. Yes sir, I always heard that they belonged to Vincent.
Q. They went by the name of Vincent? A. Yes sir.
Q. What was their mother's name? A. Charlotte.
Q. What name did she go by when you can first remember? A. Vincent.
Q. Did she belong to the same party? A. Yes sir. I have always heard so.
Q. She was living there when you can first remember? A. Yes sir.
Q. What was her name---was she married--- this Charlotte?
A. No sir, she didn't have no husband. She was sold from her man and he was sent to Tennessee.
Q. Did Charlotte ever come to this country? A. No sir, she died in Jefferson County, Arkansas, in '83.
Q. Did she come out there with Millie White and Yancy Vincent in '81? A. Yes sir.

Q. She never was here, then? A. I never heard it mentioned that she ever was here.
Q. You never heard it claimed that she was? A. No sir, I never heard Cherokee Nation named among them, and I never heard them claim to be Cherokees at all.
Q. They have always been known as the slaves of this man Vincent, to whom they belonged? A. Yes sir.
Q. You do not know how old you were when you first remember, but you have known them ever since you could know anything?
A. Yes sir. I do not know just exactly how old I am, for I take it from what the others gave me and count it the best I can
Q. You say you belonged to Vincent? A. Yes sir.
Q. In Alabama? A. Yes sir.
Q. What was he -- a white man? A. Yes sir.
Q. Did you know a man called Ben Johnson in Alabama? A. No sir
Q. Millie White says that she was the slave of Annie Johnson, the wife of Ben Johnson, and that Annie Johnson was a Cherokee. Is that true? A. I didn't know this fellow Johnson.
Q. Did a man by the name of Johnson ever own any slaves there, that you knew of? A. Not that I knew of. I never heard it at all.
Q. If Millie White had been the slave of a man called Ben Johnson would you have known it? A. I spect so, for I know who they say she did belong to.
Q. Did you know her throughout the war? A. No sir, I was too little. About the second year after the surrender I commenced knowing people, just like children do. I was born in time of the war.
Q. Do you swear that Millie White was the slave of a man called Vincent? A. I have always heard that, and she went by that name.
Q. Was Millie White living on the place of this man Vincent during the war? A. Yes sir, when I come to know her.

WITNESS EXCUSED.

W. J. Davis, being duly sworn, testified as follows:

Q. What is your name? A. W. J. Davis.
Q. What is your age? A. I am 52.
Q. Have you been sworn? A. Yes sir.
Q. What is your post office address? A. Rowland, I. T.
Q. Do you know Millie White? A. Yes sir.
Q. Do you know her husband, Gib White? A. Yes sir.
Q. Do you know Yancy Vincent? A. Yes sir.
Q. When and where did you first know Millie White and her husband Gib White? A. I knew them in Jefferson County, Arkansas, at Pine Bluff.
Q. When did you know them down there? A. I got acquainted with them in 1890.
Q. What is your business? A. Well, I farms a little, and preaches some.

Q. Were you preaching down there in Arkansas? A. Yes sir.
Q. Were they members of your church? A. I was a licensed preacher at that time, but sometimes I preached at the church of which Gib White was a deacon.
Q. Where were they living then? A. On Jim Trulock's place.
Q. Did you know his family? A. Yes sir.
Q. Do you know the names of any of his children? A. He has a son named Jim, one named Harry, a girl named Annie, and I forget the other girl's name. I knew four of his children.
Q. Do you know Ruthie? A. Yes sir. Ruthie is a older girl than Annie.
Q. Do you know Viola? A. Yes sir, she is next to the baby.
Q. Were they living with their father and mother in 1890, in Arkansas? A. Yes sir, they were there. I met them in sunday school many a time.
Q. Who came to the Cherokee Nation first, you ar them? A. I come first. I come to the Cherokee Nation in 1890, the fall of 1890, and I left them on Jim Trulock's place. I come here to Muskogee and preached, then went to Vian and they called me as their paster, and after that I went back to Pine Bluff to move my wife here and I told them the Cherokee Nation was a nice place. I taught sunday school that day, and from my talk they found out that I had been in the Cherokee Nation and after sunday school I was talking to several of them about this country, and Gib White said he believed he would move out here. While I was talking to them I told them I had been called paster at Vian.
Q. Was Millie and Gib White among those you told about the Cherokee Nation? A. Yes sir, they were on the ground.
Q. Did they know before of the Cherokee Nation? A. If they did I don't know it.
Q. Did they claim at that time to have ever been here? A. No sir.
Q. Did you, after that time, come to the Cherokee Nation? A. Yes sir, I come back in '91.
Q. When did you first see them up here after that? A. I seed them in the Cherokee Nation in '93.
Q. Do you know how long they had been here when you first saw them---did they say anything about when they came? A. Yes sir, the first time I met up with them after they come, I went over to Fort Smith, and I had the pleasure of meeting up with Gib White and he said to me "I am glad to see you. I am living in the Cherokee Nation now, I come week before last."
Q. That was in '93? A. Yes sir.
Q. Did you know Millie White's mother? A. Yes sir.
Q. Do you know her brother, Yancy Vincent---did you know him in Arkansas? A. Yes sir, I seed him there, but me a being a preacher and him a sinner, I didn't know him very well.
Q. About when did you see him up here? A. I think it was in 1896 or 1896. I think Gib was here two or three years before I saw Yancy.
Q. Did you ever hear them say in Arkansas where they were from--to whom they had belonged? A. No sir, I never heard them say anything about it.

COMMISSION:

Q. The first time you got acquainted with Millie White was in 1890? A. Yes sir.
Q. You knew nothing of their history prior to that time? A. No sir.

Q. Where did you say met them in Arkansas? A. On Jim Truleck's place, near Pine Bluff.
Q. Do you know Sam White of Van Buren? A. I know one Sam White. He is a baptist preacher.
Q. How old a man is this Sam White? A. I don't know, sir. He is enough older than me. I think he is about 60 or 70 years old.
Q. Are you an applicant here as a Cherokee Freedman? A. My wife is, but I am not.
Q. What is your wife's name? A. Julia. She was a Johnson before I married her.

WITNESS EXCUSED.

Lewis Johnson, being duly sworn, testified as follows:

MR. HASTINGS:

Q. What is your name? A. Lewis Johnson.
Q. What is your age? A. About 53.
Q. What is your post office address? A. It has been Benge, but it is Rowland now.
Q. Are you a Cherokee Freedman? A. Yes sir.
Q. That is in the vicinity of Fort Smith? A. Yes sir.
Q. How long have you lived in that vicinity? A. I have lived there all my life.
Q. How far do you live from Fort Smith? A. About four miles west.
Q. That is known as the Fort Smith Bottom? A. Yes sir.
Q. To whom did you belong before the war? A. Ben Johnson.
Q. Where did Ben Johnson live? A. Just this side of the river, just this side of Fort Smith.
Q. Were you living there with him when the war came up? A. Yes sir.
Q. Do you know Millie and Gib White? A. Yes sir.
Q. Do you know Yaney Vincent? A. Yes sir.
Q. Do you know their families? A. Yes sir.
Q. Do you know Jim White, the son of Gib White? A. Yes sir.
Q. Is he married? A. Yes sir.
Q. Do you know Harry White? A. Yes sir.
Q. Is he also a son of Millie and Gib White? A. Yes sir.
Q. Is Yaney Vincent a man of a family? A. Yes sir.
Q. How far do these people live from you --- do they live in the same neighborhood? A. Yes sir. Vincent lives about a half or three quarters of a mile from me.
Q. How far does White live from you? A. I think they call it about five miles.
Q. How long have you known Willie White and Yaney Vincent and their families? A. I have known Gib White ever since about '93 or '94.
Q. Do you know where he came from there? A. No sir, I don't know where he come from. He said he came from the states.
Q. When did you get acquainted first with Yaney Vincent? A. I guess it was about 1886.
Q. Do you know where he came from? A. He said the same thing --- that he came from the states.
Q. From what state? A. He said "down in the states".

Q. Did you ever knew their mother? A. No sir.
Q. You never knew Charlotte? A. No sir.
Q. Did you ever know Millie before 1893 or 4? A. No sir.
Q. Did you ever know Yaney Vincent before 1895? A. No sir.
Q. Did they or their mother ever belong to Ben Johnson? A. No sir, not that I know of.
Q. Did you ever hear of Charlotte belonging to Ben Johnson?
A. No sir.
Q. Did you ever see either of them at Ben Johnson's place prior to the war? A. No sir.
Q. Did you ever hear of Ben Johnson hireing out a slave over in the state of Alabama? A. No sir.
Q. Did you ever hear of him hireing out Charlotte, the mother of Millie and Yaney, to a man named Curd Vincent in the state of Alabama? A. No sir.
Q. Did Ben Johnson own a slave at the beginning of the war by the name of Charlotte? A. No sir.
Q. Did he own one by the name of Yaney? A. No sir.
Q. Did he own one by the name of Millie? A. No sir.
Q. You never knew Gib White and his wife before 1893? A. No sir.
Q. And you never knew Yancy Vincent before 1895? A. No sir.
Q. Did you know all the colored people in the bend of the river?
A. Yes sir, I knew all that live there.
Q. Prior to that time it was more or less thinly settled? A. Yes sir.
Q. You have lived there before the war and after the war continuously, all the time? A. Yes sir.
Q. And you never saw Millie White before 1893 and Yaney Vincent before 1895? A. No sir.
Q. What was your mother's name? A. Mary.
Q. Did your mother ever have a sister by the name of Charlotte?
A. I never heard of it.
Q. How old did you say you are? A. About 53.
Q. Do you remember your mother? A. Yes sir.
Q. Was she living when the war came up? A. Yes sir.
Q. When did she die? A. Since the war.
Q. Was she living at Ben Johnson's? A. Yes sir.

COMMISSION:

Q. You said you were the slave of Ben Johnson -- was he a Cherokee Indian? A. Yes sir.
Q. Are you a Cherokee Freedman? A. Yes sir.
Q. On the final roll? A. Yes sir.
Q. Have you filed? A. Yes sir.
Q. Get you deed yet? A. No sir.
Q. When did you file? A. I think it was somewhere along about the 24th or 25th, of August.
Q. How many slaves did Ben Johnson have when the war broke out?
A. I don't know how many?
Q. Have not you some idea how many? A. A. No sir.
Q. Did he have a large number or just a few? A. He had a large number.
Q. Did you know any of them personally? A. Yes sir, I knowed every darky he had.
Q. Do you know whether Johnson hired out any of them about the beginning of the war? A. No sir, he didn't that I know of

Q. Was he in the habit of hireing slaves out? A. Well, there was one woman there by the name of Big Mary. He hired her out in fort Smith, and she is the enliest one that he hired out that I knewed of.
Q. How far was that from his home? A. Just right across the river.
Q. Do you know Annie Thomas? A. Yes sir.
Q. What is her husband's name? A. Bill
Q. What is his mother's name? A. Carrie West, now.

WITNESS EXCUSED.

Ben White recalled.

Mr. Hastings:
Q. You were subpoenad up here as a witness? A. Yes sir.

WITNESS EXCUSED.

Sam White, being duly sworn, testified as follows:

NEAL & LONDON:

Q. What is your name? A. Sam White.
Q. How old are you? A. 78 last Saturday.
Q. Where did you live shortly before the outbreak of the war?
A. My home was in Newton County, Missouri, but I was living in Van Buren. I come there in 1844.
Q. Are you acquainted with Millie White? A. Yes sir, I have met her. She was a small girl though, when I saw her.
Q. Do you mean when you first saw her? A. Yes sir.
Q. Were you acquainted with her mother? A. Yes sir. I was very well acquainted with her mother
Q. What was her mother's name---who did her mother belong to?
A. Mr. Johnson.
Q. Did she belong to Mr. Johnson? A. She belonged to the Johnson family--she belonged to Mrs. Johnson.
Q. Were you acquainted with the mother of Millie White? A. Yes sir.
Q. When did you first know her? A. I think the first time I saw her was --- the first time that I remember of seeing her was in '55.
Q. What was Millie White's mother's name? A. Charlotte. I believe it was in '55 the first time I saw her.
Q. It was some time before the war? A. Yes sir. A good while before the war.
Q. At that time, you say she was the slave of the Johnsons? A. She belonged to the Johnson family, and I learned that she belonged to Mrs. Johnson.
Q. Do you know where she was at the outbreak of the war of the Rebellion? A. She was around home, I reckon.
Q. Do you know anything about the circumstances of her going to Alabama? A. Yes sir.
Q. What do you know about it? A. I must tell you in my own way. Before the war you know the negroes that belonged to the different owners who could were permitted to preach to the

colored people. I was preaching to the colored people at Mr. Johnson's, in other words, I mean to say, that Mr. Johnson had me to preach to his slaves just before he was going away with some of them, he had me to go over and preach to the Starr negroes.

Q. Well, you went over there and preached? A. Yes sir, that was about the time she was going to leave to go to Alabama.

Q. If at that time you had any conversation with the master or mistress of of Charlotte about her removal to Alabama, tell us about it. A. I didn't have any conversation with Mr. Johnson about it at all. Mrs. Johnson said Charlotte was her favorite negro. She had come by her from her mother's estate and she didn't want to part with her. There was some sort of a debt that Mr. Johnson wanted Charlotte to go for so as to liquidate that debt . Mrs. Johnson wouldn't sign the bill of sale, so Mr. Johnson hired Charlotte to this man to liquidate the debt some way or other, and I was in there preaching and Mrs. Johnson wanted me to console Charlotte by letting her know that she would come back home again. So she went away under those circumstances, and that is all I heard Mrs. Johnson say about it.

Q. Did you see the man, Vincent, who was to take her away? A. I did not. Soon after that time these people got away to Alabama-- that is, I mean to say in other words, I was told that they went away to Alabama. I never saw Charlotte any more for several years.

Q. Did you see her any more before the war? A. No sir, I didn't.

Q. After the war when did you first see this woman---Millie White --- under what circumstances? A. The first time that I saw Millie after that was at Fort Gibson. I will have to tell it in my own way so you can get at it. I was detailed as a recruiting officer in the army, and there were a good many colored people at Fort Gibson, and I went down to their camp hunting up names, and I found Millie down there. To use her language, she told me she was just on her return to her home.

Q. Do you mean Millie, or the mother of this Millie? A. I do not mean Millie, but Charlotte Johnson.

Q. When was that? A. That was in '65 I think.

Q. Did you see --- you say you saw her in Fort Gibson in '65? Did you see her the next year? A. Yes sir. In '66 we organized a church down at what is commonly known as Jacktown.

Q. In the Cherokee Nation? A. Yes sir.

Q. Is Fort Gibson in the Cherokee Nation? A. Yes sir, I suppose so.

Q. About when did you organize that church? A. I think, as well as I can remember, that it was in August of '66.

Q. State whether or not at that time, as pastor of that church, Charlotte Johnson, the mother of Millie White, joined your church? A. She did.

Q. You think it was in August, '66? A. Yes sir, I think so.

Q. After that time how long did you know Millie? A. I didn't say Millie. I just preached there that year and until about the middle of '67, then I went to Pine Bluff.

Q. After then how long was it until you renewed your acquaintnace with Millie White---- I mean Charlotte Johnson?

A. Well, I don't know.

Q. Are you sure of the fact that this Millie White, the applicant herein, and the woman that came with you this morning, is the daughter of Charlotte Johnson? A. Yes sir.

Q. Are you acquainted with her brother, Yancy Vincent? A. Yes sir, I have seen Yancy, but to say to know him, I couldn't.
Q. Did Charlotte have any children when she came back after the war? A. Yes sir, she had a good sized little girl.
Q. Did she have any other children? A. She had a little boy with her, but he has growed out of my knowledge.
Q. You do not know whether that boy is Yancy Vincent or not?
A. I just know what they say about it.

MR. HASTINGS:

Q. Where do these people live now? A. Down here in the Cherokee Nation somewhere.
Q. Have you been to their places? A. No sir.
Q. Did you ever see them living in the Cherokee Nation? A. Yes sir.
Q. When? A. Well, it has been --- I don't know exactly how many years ago. They used to live right above Mr. Stoneread's
Q. How long ago now? A. 8 or 10 years ago.
Q. Did you ever see any of these applicants living in the Cherokee Nation prior to 8 or 10 years ago? A. Yes sir, I saw their mother.
Q. Where? A. She lived there up above or up on Garrison Creek.
Q. When? A. They lived up there in '72 ---'71 or 2.
Q. Who lived up on Garrison's Creek? A. Millie White's mother
Q. Charlotte Johnson? A. Yes sir.
Q. How far is that from Fort Smith? A. It is about 7 or 8 or 10 miles.
Q. Was Millie White living with her mother then? A. I don't know whether she was living with her mother or not.
Q. What was Charlotte Johnson's husband named in '72? A. Well now, I don't know whether she had a husband or not.
Q. Were you at her house then? A. Yes sir.
Q. Where did she live in '72? A. I don't know if I could tell you exactly where she lived except you know where old man Jack Campbell lived? She lived about three miles from there.
Q. What direction? A. South or southeast.
Q. Was that down the creek? A. No sir, it was in this direction.
Q. That would have been on the south side of the river, wouldn't it? A. No sir, It was on the north side of the river.
Q. You do not know whether she had any family living there with her or not at that time? A. She had a boy there.
Q. What was his name? A. She called him Yancy.
Q. And you saw Yancy there living with her in '72? A. Yes sir
Q. When did you see her next after '72? A. Q. I didn't see her any more.
Q. When did you next see Millie White? A. I don't remember seeing her any more to know her until a few days ago.
Q. What kind of a house did they live in? A. A little log house. It was on a man's place by the name of McKibben. McKibben was running the farm.
Q. Did McKibben own the farm? A. I don't know whether he owned it or had it leased.

Q. How far was this cabin from the river? A. I expect it was a mile or two.
Q. Did you ever see this Charlotte in Pine Bluff? A. No sir
Q. Did you ever see Millie White there? A. No sir.
Q. Did you ever see Yancy there? A. No sir.
Q. Did you ever live in Pine Bluff? A. I have been there a while, but it was never my home.
Q. What was Ben Johnson's wife's name? A. I couldn't tell you.
Q. Did Ben Johnson have any children? A. Yes sir.
Q. What were their names? A. He had one son named Ben, and two more boys, but I couldn't call their names.
Q. What kind of a house did Ben Johnson live in? A. A double log house.
Q. Did this slave belong to Ben Johnson's wife? A. That is what I understood. That is what Mrs. Johnson told me.
Q. But you never saw her at Ben Johnson's home after '55? A. No sir.
Q. Did you know that she was living in Tuskumba, Alabama? A. No sir.
Q. Are you a Cherokee Freedman? A. No sir.
Q. How old was Millie in 1855? A. I do not know, sir.
Q. About how big was she-- was she born? A. Yes sir, she was born.
Q. How large was she? A. She was a small girl.
Q. How old was she? A. I couldn't tell you. To look at her, she looked like she was 6 or 7 years old.
Q. How old was Yancy in '55? A. I never saw Yancy---When I forst saw him he was about 5 or 6 years old.
Q. Where were they when you first saw him? A. In a tent at Port Gibson.
Q. Where were they? A. Down in what was known as the counter-bine camp.
Q. Was Millie married at that time? A. Not that I know of.
Q. Was her husband there? A. She wasn't married that I know of.
Q. How long were they there? A. Not long.
Q. One day? A. Longer that that.
Q. Was the war over? A. In '65? Yes sir.
Q. When did you see them next? A. In 72.
Q. Where did you see them then? A. They were down at the church --- I mean, that is to say, Charlette was at church.
Q. You never saw Millie? Nor Yancy? A. I never saw Millie --- I had saw Yancy I reckon, but I never saw Millie from the time that she come down with her mother to church till I went to Pine Bluff and back.
Q. Did you see her in Pine Bluff? A. No sir.
Q. When did you come back from Pine Bluff? A. In '74.
Q. Then where did you see her in '74? A. In Jacktown.
Q. Was she living there? A. I dont know. She was there at church.
Q. Did you see her frequently after that? A. No sir, for I quit preaching there. The next time I saw her she was in Van Buren.
Q. Was she living there? A. No sir, she was on a visit.
Q. When you saw them up here at Fort Gibson, how did they say they ever got back from Alabama? A. They said that Mr. Vincent sent them back.
Q. Did Ben Johnson have any other slaves? A. Yes sir.

Q. Name some of them? A. Well, he had -- that is --- I mean to say that Mrs. Johnson had two more slaves.
Q. What were their names? A. Mariah and Rebecca.
Q. Were they the only slaves about the place? A. They are all I saw.
Q. Did Ben have any slaves? A. I don't know.
Q. Then you only saw Mariah, Rebecca and Charlotte there the last time? A. Yes sir.
Q. You preached there? A. Not at the house but once.
Q. You didn't see any other negroes? A. I saw some more, but I didn't know whether they belonged to Mr. Johnson or not.
Q. You do not know who they belonged to? A. No sir, all I know is what Mrs. Johnson told me.
Q. That was in '55? A. Yes sir. She told me just before they left home. That was in '55 I think, but I am not so sure about it.
Q. What year did you say it was? A. '54 or '55, just before the war commenced.
Q. How many years before the war? A. It must have been 10 or 11 years before the war.
Q. That is your best judgment? A. Yes sir.
Q. How many years after the war was it till you saw them back here again? What I want to learn is this---how long after the war was it that you saw Charlotte, Millie and Yancy? A. I saw them during the war.
Q. I want to know how long after the war? A. I saw them in '66---they were down here at Jacktown.
Q. What time in '66? Do you mean to swear on the stand that you know these people did belong to Ben Johnson's wife, and that you saw them here in the Cherokee Nation in '66? A. I mean to say that.
Q. You are a slave yourself? A. Yes sir.
Q. You are a preacher? A. Yes sir.
Q. When did you first see Millie White's husband? A. I don't know that I ever saw Millie White's husband.
Q. Has she got any children? A. Who?
Q. Millie White? A. I don't know.
Q. When did you first see Millie White after '66 in the Cherokee Nation? A. I saw her, as I remember, about the time that we were carrying on a revival at Jacktown, in August.
Q. Where did you next see her? A. I think I next saw her in Van Buren.
Q. Did you ever see any of her children? A. If I did I didn't know it.
Q. Did you ever see her husband? A. I do not know if I have ever saw her husband.
Q. Do you know her husband's name? A. No sir.
Q. Do you know where Yancy Vincent was married? A. No sir.
Q. You do not know that he was married in Alabama? A. No sir
Q. You didn't know that his wife died at Pine Bluff? A. No sir
Q. How long has Yancy been living in the Cherokee Nation? A. I don't know.
Q. When did you see him in his house in the Cherokee Nation? A. I never saw Yancy Vincent keeping house anywhere.
Q. Were you ever at Millie White's house? A. No sir.
Q. Where did Charlotte die? A. Up there in the Nation some where.
Q. On whose place? A. I don't know.
Q. Don't know that she died at Pine Bluff, Arkansas? A. No sir, I don't.

Q. Will you swear that she did not die at Pine Bluff, Arkansas?
A. I will swear that if she did I don't know it.
Q. Where did you ever see her living in the Cherokee Nation after the war? A. She was up here on Garrison Creek.
Q. That is three miles southeast of the Jack Campbell place?
A. Yes sir.
Q. You do not know Mrs. Johnson's name? A. No sir.
Q. And you do not know any of the slaves except those you mentioned? A. No sir.
Q. Who was Charlotte Johnson living with when you saw her there?
A. I don't know who she was living with. She was living in a cabin there, and I come by and stopped. I was working at that time for Mr. McKibben.
Q. You did not see her children then? A. No sir, I just stopped there. I was working for Mr. McKibben.
Q. You didn't see any man about the place? A. I don't think I did.
Q. Did she die right there? A. I don't know.
Q. You do not know whether she had any husband or not? A. No sir.
Q. How old was this Charlotte Johnson when you saw her before the war? A. She was a grown woman.
Q. Do you think she was 20 years old? A. I suppose she was.
Q. What is your best judgment? A. I suppose her to be about 20 years old.
Q. Yancy was not born then? A. I reckon not.
Q. What is your post office address? A. Van Buren, Arkansas.

COMMISSION:

Q. You say you first saw Charlotte Johnson about the year '55?
A. Yes sir.
Q. When did you next see her? A. I saw her again ---the first time I saw her was in '55, and then I saw her again just about the time or a little before she left home.
Q. She left the Cherokee Nation about '55, didn't she? A. Yes sir.
Q. How soon after that did you see her? A. It was in --- it must have been '65.
Q. Where did you see her at that time? A. At Fort Gibson.
Q. When did you next see her? A. It was at Jacktown. I think it was probably in the same year or the year following--- in '66.
Q. Where did you next see her? A. I saw her tolerably frequently then till I left there, and then I never have seen her any more.
Q. Do you know whether she is living or not? A. No sir.
Q. When was the first time you saw Millie White? A. I saw her with her mother in '55.
Q. And then they went to Alabama in that year, didn't they? A. That was my understanding.
Q. Then when did you next see Millie? A. With her mother at Fort Gibson.
Q. Then where next? A. With her mother at Jacktown in '65 or '66.
Q. When did you next see her? A. I saw her in Van Buren, I think it was in '67.

Q. Where did you see her after that? A I have not seen Millie any more until here about, probably, a year ago.
Q. From 1867 up to 1904 you have never seen her again? A. No sir.
Q. Do you know whther this Millie White, that is an applicant here, is the same Millie that you knew in 1867? A. I don't know, only she claims she is the same Millie.
Q. You do not know whether she is the same one? A. I wouldn't swear that she was the same one, for she was a little girl the then.
Q. You saw her in 1867 in Van Buren, Arkansas, and then you never saw her again until 1904? A. Yes sir, that is correct
Q. You think you can not be mistaken about her being the same one? A. I do not say that I could not be mistaken.
Q. Do you know the name of the man to whom she was transferred in 1855? A. Yes sir, Mr. Vincent.
Q. What was his first name? A. I don't know his first name. I always heard them call him Mr. Vincent. I want to understand you--- did you say Millie or Millie's mother.
Q. I said Millie, but I meant her mother, Charlotte. You stated just now in your examination in chief that you opened a church in Fort Gibson in 1866? A. No sir, not in Fort Gibson.
Q. You stated that Millie joined the church? A. I said Millie's mother joined the church.
Q. Where? A. At Jacktown.
Q. Have you got any record of that at all? A. I think I have
Q. Have you a list of all of the communicants in the church at that time? A. I have the list of most of them.
Q. Have you it with you? A. No, part of it is at home, and part of it was destroyed by an overflow.
Q. Does the part that was destroyed refer to 1866? A. No sir. The roll have got descroyrd---the roll of membership.
Q. Then you have no record of it at all? A. Yes sir, I have a record of the organization.
Q. Have you a list of the members of the organization? A. I told you just now that that got destroyed by an overflow,
Q. When was the overflow? A. Last year.
Q. Did you have it in your possession last year? A. Yes sir.
Q. Do you know the names of all the members of your congregation at that time? A. No sir.
Q. How did you remember specially the name of Charlotte? A. It was because I had some talk with Charlotte.
Q. How many of the members of your congregation, at the time Charlotte joined the church, do you remember now? A. Jack Campbell, Jack Campbell's wife, Sarah, Millie Starr, George Benton, Martha Stell, Morgan Millsen, Isom Thomas, Bell Vaughn, and Mary Haney.
Q. How many were there in the congregation? A. 10 or 12.
Q. Are those people, whose names you mentioned, living? A. I do not think any of the Campbell family are living. I don't know whether any of the Starr negroes are living.
Q. Are any of these that you mentioned living? A. Yes sir.
Q. Who are they? A. Isom Thomas is living.
Q. Where is he living? A. At Newport, Arkansas.
Q. Is he a Cherokee Freedman? A. No sir I reckon not.
Q. All of those were members at the same time that Charlotte was?
A. Yes sir.
Q. That was in '66? A. Yes sir.

Q. Are you positive about that? A. Yes sir.
Q. Can you fix the month? A. I am not right positive, but I think it was the latter part of August or the first of September.
Q. At that time Charlotte was a member of your church? A. Yes sir.

MR. HASTINGS:

Q. Where was this church? A. At Jacktown.
Q. Where did they live? A. They lived about two or two and a half miles from the Stoneroad place.
Q. What direction? A. It was northwest from the Stoneroad place.
Q. On whose place did they live? A. Jack Campbell's place.
Q. I believe you have just answered the Commission that you never saw either Millie or Charlotte after 1867 until you saw Millie last year. That is the truth is it? A. I think it is. I do not remember seeing her since I saw her in Van Buren in '67.
Q. You testified awhile ago that you saw Charlotte in 1872, didn' you? A. I might have seen her then.
Q. But you told the Commission that you had not seen her since '67? A. I told him I didn't think I had.

COMMISSION:

Q. How old are you? A. I was 78 years old last Saturday.
Q. Can you read and write? A. Yes sir.
Q. Can you read and write well? A. Sufficient for the people to understand it.
Q. Can you write a letter? A. Yes sir.
Q. What is your business? A. Farming and preaching.
Q. How much farm have you? A. 40 acres.
Q. In cultivation? A. Yes sir.
Q. Does it belong to you? A. Yes sir.
Q. Do you remember any of the Johnsons having a slave by the name of Lewis? A. I do not know. He might have had.
Q. How many of the slaves of Ben Johnson did you know? A. Not any of them hardly. The only way that I knew any of the slaves of Mr. Johnson ——
Q. Do you remember a slave by the name of Lewis Johnson? A. I do not. I have heard of him, but I don't know him.
Q. Do you know that man (indicating Lewis Johnson)? A. I have saw him.
Q. Did you ever see him on Ben Johnson's place? A. I do not know that I ever have.

COMMISSION TO LEWIS JOHNSON:

Q. Do you remember that man? A. I have saw him, but I don't know him.
Q. Do you remember the time that Charlotte Johnson was sent to Alabama? A. No sir.

MR. HASTINGS TO LEWIS JOHNSON:

Q. Did this man ever preach on Ben Johnson's place or at Jacktown after the war? A. I don't know.

Q. Did Charlotte Johnson, the mother of Millie White, live there on Jack Campbell's place after the war? A. I don't know. There was one Charlotte Johnson that belonged to Anderson Johnson, but she was a little girl.
Q. Was she a little girl after the war? A. She wasn't grown.
Q. What became of her? A. She is down there now.
Q. Is she living yet? A. Yes sir.
Q. Did she ever marry? A. Yes sir.
Q. What was her husband's name? A. She was married to a man by the name of Burden.
Q. Was there any Charlotte Johnson who was a slave before the war, and who was grown, who lived in that country at all? A. Not that I knew of.
Q. Could there have been a slave of Ben Johnson by the name of Charlotte and you not know her? A. I think not.
Q. Where did Ben Johnson live? A. In Sequoyah District, this side of Fort Smith.
Q. Did Ben Johnson or his wife own a slave by the name of Charlotte when the war come up? A. I never knew it.
Q. Did you ever hear of them hireing out a slave to a man by the name of Vincent, in Alabama?

(Neal & London, object to the question, because it is hearsay testimony)
(Objection noted)

A. No sir.

Neal & London, not being present when Lewis Johnson was first examined, heard his testimony read, and now cross examines him.

NEAL & LONDON:

Q. Was Ben Johnson a Cherokee? A. No sir, he was a white man and his wife a Cherokee.
Q. What was her name? A They called her Annie.
Q. You say you never knew Charlotte Johnson, the slave of Annie Johnson? A. No sir.
Q. Were you a house servant or a field nigger? A. I worked around the house.
Q. How old were you? A. I don't know exactly how old I was.
Q. You are 83 now? A. Somewhere along about that.
Q. You would be 9 years old when the war broke out, wouldn't you? Just a little boy like that (measured as high as the table)? A. I was bigger than that.
Q. You said you are 83, and that would make you only 9 years old then. Do you mean to testify that you knew all of Johnson's niggers, both the house servants and the field hands? How many did he have? A. Yes sir, I knew them all, but I couldn't tell you how many there were. I couldn't count them.
Q. You mean to say that at 9 years of age --- could you read and write at that time? A. No sir.
Q. Can you read and write now? A. No sir.
Q. You mean to say that at that time you knew all of those darkies,
A. Yes sir.
Q. You say you never heard of a slave belonging to Annie Johnson named Charlotte? A. Yes sir.
Q. Who was this little girl named Charlotte Johnson? A. That was Anderson Johnson's slave.

Q. In 1855 --- six years before the war broke out --- when you were three years old--- do you know whether or not Ben Johnson and Annie Johnson hired, to a man by the name of Vincent, a slave by the name of Charlette? A. In 1855?
Q. Yes, just 4 or 5 years before the war? A. He never hired nobody.
Q. You are certain of that, are you? A. Yes sir.
Q. You know that if he had hired one out at that time you would have known it? A. Yes sir.
Q. Can you tell us of something that happened when you were 3 years old? A. I don't know just how old I was.
Q. Tell us something that happened when you were three years old
A. I said I was somewhere about 53 years old, I don't know exactly how old I am. I am just about like I told you.
Q. Then, at three years of age you are willing to testify that Ben and Annie Johnson did not hire a slave by the name of Charlotte to a man by the name of Vincent? A. I didn't say I was three years old.
Q. You mean to say that if they had a slave by the name of Charlotte that they hired to a man by the name of Vincent, you do not know it---that it was before you could remember?
A. I mean to say that Johnson didn't hire any slave by that name since I can remember.
Q. About how old can you first remember to have known things?
A. I can remember before the war.
Q. You remember that you went south; that you got ready to go; and that you were delayed about a month before starting--- you remember that it was a week or ten days, or maybe a month before you got started? A. I couldn't remember just how long it was, but I remember fixing.
Q. Don't you remember that they waited two or three months to hear from Alabama--- to get this Charlotte back? A. No sir, I don't remember anything like it.
Q. You do remember, though, when you were three years old, that there was no slave by the name of Charlotte? A. I didn't say I was three years old. I don't know just how old I was. I was a pretty good size boy.
Q. Are you an applicant for enrollment? A. I am enrolled.
Q. You do not know the names of any of the slaves that belonged to your former master---You do not remember Charlotte Johnson?

(Mr. Hastings--- I am going to interfere with your asking a double cross question. Ask them one at a time and have them answered.) A. Mr. Neal---I am just giving you some of your own medicine)

Q. You do not remember the names of any of the slaves that belonged to your former master? A. Yes sir.
Q. Well name one or two of them? A. Mose Johnson, Aaron Johnson.
Q. You mean to testify with reference to Charlette that you do not remember a slave of that name that belonged to your master?
A. Not since I can remember.
Q. You do not remember what happened before you can remember? A Not before I was born.
Q. Could you remember a thing that happened when you were 3 or 4 or 5 years old? A. Yes sir, I can remember when I was 4 years old, I am satisfied.

COMMISSION:

Q. Were you born the slave of Ben Johnson? A. Yes sir.
Q. Do you know whether they ever had a slave by the name of Charlotte? A. I do not know.
Q. As far as your recollection goes, did they have one of that name? A. No sir.
Q. You do not know just how old you are? A. Not exactly.
Q. You are somewhere between 50 and 60? A. Yes sir, somewhere along there.

MR. NEAL:

Q. You say that this man White did not organize a church at Jacktown? A. I told you that he didn't as I knows of.
Q. You do not mean to say that there was no church organized, but that you didn't know of it? A. Yes sir.

WITNESS EXCUSED.

Ben White recalled for cross examination by NEAL & LONDON.

Q. Did you know Millie White's mother? A. Yes sir.
Q. What was her name? A. Charlotte Vincent.
Q. Did you know Millie and her mother before the war? A. I was small in the time of the war.
Q. You remember them directly after the surrender? A. Yes sir.
Q. How long after the surrender? A. Maybe a couple of years after the surrender I moved down into the valley and found them down there.
Q. You say there were about two years after the war that you do not know where they were-- whether they were there or not. That would be the latter part of '65 or '66? A. Yes sir, in '70 and '71 I went up on the Tennessee river.
Q. In '70 and '71 you were about how old? A. We had no learning, you know, but I think I was about 13 years old.
Q. You say about two years after the war you moved down into the Valley? A. Yes sir. In passing back and forwards, being sent by my owners, I would see them.
Q. When the war broke out you were about three years old, were you not-- you said awhile ago you was 47? A. Yes sir.
Q. When you moved down into the valley, and remember these darkies, you must have been about 7 or 8 years old? A. About 7 I think.
Q. You have known these darkies well since that time have you?
A. Yes sir.
Q. Nancy, and his mother and sister, Millie White? A. Yes sir.
Q. Do you remember this ---let me see if you remember anything about the real facts in the case. Do you remember a nigger named Gib White? A. Yes sir.
Q. Gib was Millie White's husband? A. Yes sir.
Q. Gib White, in about 1880 or '81--- sometime about them, don't you know that Gib White came to the Territory and married Millie and took her back to Alabama, and that is where you saw them, and then you came out here with them? A. They had great big children in Ala.

MR. HASTINGS:

Q. Where did Charlotte Vincent die? A. She died down in Jefferson County, Arkansas, near Pine Bluff.
Q. You have known her and Millie White ever since you have known anybody? A. Yes sir.
Q. And you knew her up to the time of her death? A. Yes sir.
Q. You say Gib and Millie White were married in Alabama? A. Yes sir.
Q. And their children were born in Alabama? A. Excusing the one that was born in Arkansas. Jim, Harry, Ruthie, Annie Viola, and then there was another one, I didn't know her name.
Q. Where was Yancy married? A. He first married in Alabama.
Q. Where did his first wife die? A. In Jefferson County, Arkansas, near Wabeeska.
Q. Did he marry then the second time? A. Yes sir.
Q. And you came here in '93? A. Yes sir.

WITNESS EXCUSED.

Frank M. Morgan, being duly sworn, testified as follows:

NEAL & LONDON:

Q. What is your name? A. Frank M. Morgan?
Q. What is your post office address? A. Fort Smith, Arkansas.
Q. Do you know the applicants, Millie White and Yancy Vincent and their descendants? A. Yes sir, I know the most of them.
Q. Did any of them at any time live upon your property? A. Yes sir.
Q. In the Cherokee Nation? A. Yes sir.
Q. When was that and who were they? A. Yancy Vincent rented a piece of land on my place in 1896, and old Gib White and Aunt Millie lived there in 1897 or '98---maybe it was '99.
Q. Did you know any of them prior to that time? A. I knew Gib White when he come into the Nation. He stopped there on Dr. Bell's place, adjoining mine.
Q. What year? A. In '94 or '95.
Q. Did you ever know any of these applicants prior to 1890?
A. No sir.
Q. You are a Cherokee by blood? A. Yes sir.
Q. You are on the final roll? A. Yes sir.
Q. Do you live in the Cherokee Nation? A. I live in Fort Smith, and farm in the Cherokee Nation.

MR. HASTINGS:

Q. How long have you lived in that vicinity? A. Since 1887.
Q. You are well acquainted there? A. Yes sir.
Q. Own a farm in Fort Smith bottom? A. Yes sir.
Q. Never knew any of them prior to 1893? A. No sir.
Q. Do you know where they came from there? A. They said they came from Arkansas. Vincent said he had been making shingles down in Arkansas.

Q. They brought their families with them there? A. Yes sir.
Q. Never knew them before 1893? A. No sir.
Q. Did they claim to be citizens? A. They didn't claim it to me. I did not know it until a few years ago I heard they were trying to get on the Freedman roll.

MR. NEAL:

Q. You did not know them until along about 1894 to 1896? A. No sir.
Q. Gib White is not an applicant for citizenship? A. No, but his wife is.
Q. What did you say about seeing them about 1894? A. They were on Dr. Bell's place then.
Q. You live in Fort Smith? A. Yes sir.

WITNESS EXCUSED.

CASE CLOSED.

10 days will be allowed the attorneys for filing briefs in this case.

Eula Jeanes Branson, being first duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she reported the proceedings had in the above entitled cause on the 6th. day of March, 1905, and that the above and foregoing is a full and complete transcript of her stenographic notes taken in said cause on said date.

(Signed) Eula Jeanes Branson.

Subscribed and sworn to before me this the 11th. day of March, 1905.

(Signed) Myron White
Notary Public.

(SEAL)

Maggie Kennedy, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing copy and that the same is a true and correct copy of the original transcript.

Maggie Kennedy

Subscribed and sworn to before me this the 18th day of March 1905.

Myron White.
Notary Public.

Department of the Interior.

Commission to the Five Civilized Tribes.

In the matter of the application for enrollment of William Davis, alleged citizens by intermarriage of the Cherokee Nation, consolidating the applications of:

William Davis,	Cherokee Freedmen D— 10,
Henry Thomas,	Cherokee Freedmen D— 55,
Ella Vann,	Cherokee Freedmen D— 70,
Mary Markham,	Cherokee Freedmen D—109,
Frances Melton,	Cherokee Freedmen D—110,
John Dotson,	Cherokee Freedmen D—111,
Mary Jane Vann,	Cherokee Freedmen D—115,
Thomas Lowe,	Cherokee Freedmen D—119,
Ella Mayfield,	Cherokee Freedmen D—121,
Sallie Rider,	Cherokee Freedmen D—127,
Reuben Campbell,	Cherokee Freedmen D—167,
Van Jackson Luther,	Cherokee Freedmen D—174,
Cassie Midleton,	Cherokee Freedmen D—175,
Mary Harlin,	Cherokee Freedmen D—179,
Nellie Fields,	Cherokee Freedmen D—180,
John Kimbo,	Cherokee Freedmen D—190,
William S. Madden,	Cherokee Freedmen D—193,
Jane Bean,	Cherokee Freedmen D—209,
Albert T. Thomas,	Cherokee Freedmen D—240,
Mary Campbell,	Cherokee Freedmen D—246,
Caroline Daniels,	Cherokee Freedmen D—252,
Melvina Alberty,	Cherokee Freedmen D—267,
Dave Morris,	Cherokee Freedmen D—286,
Alexander Claggett,	Cherokee Freedmen D—300,
Amanda Martin,	Cherokee Freedmen D—304,
Eliza Martin,	Cherokee Freedmen D—310,
John E. Barnes,	Cherokee Freedmen D—320,
Bell Davis,	Cherokee Freedmen D—330,
Samuel Brown,	Cherokee Freedmen D—345,
Howard F. Watson,	Cherokee Freedmen D—347,
Jack McConnell,	Cherokee Freedmen D—352,
Maude Manley,	Cherokee Freedmen D—360,

George Reed, Sr.,	Cherokee Freedmen D—382,
Buck Ledman,	Cherokee Freedmen D—406,
Bell Thompson,	Cherokee Freedmen D—411,
Lewis Scott,	Cherokee Freedmen D—420,
Abe Scott,	Cherokee Freedmen D—421,
[illegible] Lowrey,	Cherokee Freedmen D—422,
Thomas E. Alred,	Cherokee Freedmen D—425,
Lewis Vanderford,	Cherokee Freedmen D—426,
John L. Bowlin,	Cherokee Freedmen D—444,
Katie Davis,	Cherokee Freedmen D—455,
Charles Williams,	Cherokee Freedmen D—473,
John J. Rose,	Cherokee Freedmen D—474,
Jane Martin,	Cherokee Freedmen D—486,
Lena Peterson,	Cherokee Freedmen D—490,
Alex Johnson,	Cherokee Freedmen D—493,
Martha Vann,	Cherokee Freedmen D—495,
John Scott,	Cherokee Freedmen D—501,
Nancy Rose,	Cherokee Freedmen D—513,
Charles C. Smith,	Cherokee Freedmen D—514,
Susie Colbert,	Cherokee Freedmen D—520,
William Skaggs,	Cherokee Freedmen D—545,
Susie Johnson,	Cherokee Freedmen D—546,
Alfred P. Hopkins,	Cherokee Freedmen D—550,
Kizzie Vann,	Cherokee Freedmen D—552,
Freddie Looney,	Cherokee Freedmen D—573,
Lucy Chouteau,	Cherokee Freedmen D—584,
Alice Durant,	Cherokee Freedmen D—588,
Mahaley Ward,	Cherokee Freedmen D—605,
Fred D. Thomas,	Cherokee Freedmen D—650,
Bettie Beck,	Cherokee Freedmen D—665,
Ellis Warren,	Cherokee Freedmen D—667,
Millie Robinson,	Cherokee Freedmen D—674,
Mary Webber,	Cherokee Freedmen D—691,
Frances Martin,	Cherokee Freedmen D—692,
Mary Riley,	Cherokee Freedmen D—696,
Emanuel Taylor,	Cherokee Freedmen D—699,
Henry Sykes,	Cherokee Freedmen D—735,
Larkin P. Powell,	Cherokee Freedmen D—735,
Stepney Daws,	Cherokee Freedmen D—736,
Malinda Vann,	Cherokee Freedmen D—741,
Frances Johnson,	Cherokee Freedmen D—743,
Annie Foster,	Cherokee Freedmen D—748,
Mary H. Rogers,	Cherokee Freedmen D—753,
George Washington Lane,	Cherokee Freedmen D—756,
Jane Brown,	Cherokee Freedmen D—760,

Samuel Le[illegible],	Cherokee Freedmen D—[illegible]
John Pilchard,	Cherokee Freedmen D—[illegible]
Willis Sanders,	Cherokee Freedmen D—781,
Libbard Beamer,	Cherokee Freedmen D—[illegible]
Malinda Merritt,	Cherokee Freedmen D—[illegible]
Chester Claggett,	Cherokee Freedmen D—[illegible]
Samuel Brown,	Cherokee Freedmen D—[illegible]
Mary Rose,	Cherokee Freedmen D—[illegible]
Maggie Nave,	Cherokee Freedmen D—[illegible]
Marion Morey,	Cherokee Freedmen D—816,
Ella Rose,	Cherokee Freedmen D—840,
Elizabeth Duncan,	Cherokee Freedmen D—871,
Sadie Adams,	Cherokee Freedmen D—[illegible]
Georgeann Ascherl,	Cherokee Freedmen D—[illegible]
John Claggett,	Cherokee Freedmen D—918,
Hattie Smith,	Cherokee Freedmen D—[illegible]
Jack Jackson,	Cherokee Freedmen D—[illegible]
Lula Sanders,	Cherokee Freedmen D—[illegible]
George Hensley,	Cherokee Freedmen D—937,
Linnie West,	Cherokee Freedmen D—[illegible]
Marie French,	Cherokee Freedmen D—[illegible]
Mary Johnson,	Cherokee Freedmen D—1010,
Maggie Vann,	Cherokee Freedmen D—1039,
William Hudson,	Cherokee Freedmen D—1061,
Sarah Rogers,	Cherokee Freedmen D—1067,
Abraham Ballard,	Cherokee Freedmen D—1078,
Laura David,	Cherokee Freedmen D—1082,
John Dockmen,	Cherokee Freedmen D—1085,
James B. Perry,	Cherokee Freedmen D—1105,
Isaac Welch,	Cherokee Freedmen R—39,
Lemon Logan,	Cherokee Freedmen R—45,
George Hensill,	Cherokee Freedmen R—48,
Henry Mosier,	Cherokee Freedmen R—56,
George Adams,	Cherokee Freedmen R—73,
Angie Thomas,	Cherokee Freedmen R—82,
Lewis McConnell,	Cherokee Freedmen R—83,
Callie Vann,	Cherokee Freedmen R—86,
Lon Peters,	Cherokee Freedmen R—94,
Ida Aslain,	Cherokee Freedmen R—96,
Robert Brown,	Cherokee Freedmen R—99,
Allie Chambers,	Cherokee Freedmen R—100,
Jane Jones,	Cherokee Freedmen R—102,
Alice Gentry,	Cherokee Freedmen R—104,
Katie Aslain,	Cherokee Freedmen R—105,
Carrie Martin,	Cherokee Freedmen R—106,
	Cherokee Freedmen R—107,

DECISION.

It appears from the record herein that applications for enrollment as Cherokee freedmen by intermarriage, were made to the Commission by William Davis for himself; by [illegible] for her husband, Henry Thomas; by [illegible] for his wife, Ella Vann; by Sig Markham for his wife, Mary Markham; by Nathan Melton for his wife, Frankie Melton; by Mary Dotson for her husband, John Dotson; by George W. Vann for his wife, Mary Ann Vann; by Thomas Lowe for himself; by Thomas Mayfield for his wife, [illegible]; by [illegible] for his wife, [illegible]; by Van Jackson Barker for himself; by Tobe Midleton for his wife, Gussie Midleton; by Thomas Harlin for his wife, Mary Harlin; by John Fields for his wife, Nettie Fields; by John Kimbo for himself; by [illegible] for himself; by Tobias Bean for his wife, Josie Bean; by Etta Thomas for her husband, Albert T. Thomas; by James Campbell for his wife, Polly Campbell; by Frank Daniels for his wife, Caroline Daniels; by Jim Alberty for his daughter, Melvina Alberty; by Sarah Morris for her husband, Dave Morris; by Jane Claggett for her husband, Alexander Claggett; by Alfred Martin for his wife, Amanda Martin; by Charles Martin for his wife, Elina Martin; by John E. Barnes for himself; by Joe Davis for his wife, Bell Davis; by Ellen Brown for her husband, Samuel Brown; by Mary Ann Watson for her husband, Howard Watson; by Jack McConnell for himself; by Maude Muney for herself; by George Reed, Sr. for himself; by Buck Ledman for himself; by Ella Thompson for herself; by Lewis Scott for himself; by Abe Scott for

Katie Davis; by Charles Williams for himself; by John J. Rose for himself; by David Martin for his wife, Jane Martin; by [illegible] for his wife, Della Peterson; by [illegible] for her

Susie Colbert; by Rosanna [illegible] for her husband, William Skaggs; by Susie Johnson for herself; by Alfred P. Hopkins for himself; by Charles Vann for his wife, Kizzie Vann; by [illegible] by Alonzo

Ward for his wife, Mahaley Ward; by Fred D. Thomas for himself; by Benjamin Beck for his wife, Bettie Beck; by Ellis Warren for himself; by William Henry Robinson for his wife, Millie Robinson; by Joel Webber for his wife, Mary Webber; by [illegible]

Larkin P. Powell for himself; by Stepney Dawn for himself; by Ellis Vann for his wife, Malinda Vann; by David Johnson for his wife, Frances Johnson; by Phillip Foster for his wife, Annie

Susan Bowles for her husband, Leonard Bowles; by Henry Murrell for his wife, Malinda Murrell; by Charles Claggett for himself; by Samuel Vann for himself; by Perry Adams for his wife, Sadie Adams; by Thomas Archer for his wife, Georgeana Archer; by Nancy Claggett for

Nave; by Perry Ross for his wife, Ella Ross; by Elizabeth Duncan for herself; by Perry Adams for

herself; by Maggie Vann for herself; by William Hudson for himself; by Sarah Rogers for herself;

husband, Lawson Logan; by Maria Howell for her husband, George Howell; by Amanda Masir for her husband, Henry Masir; by Katie Adams for her husband, George Adams; by Willie Thomas for his

Robert Benge; by Mat Chambers for his wife, Allie Chambers; by Rachel Jones for her husband, Isom Jones; by Lewis Gunter for his wife, Alice Gunter; by Amos Adair for his wife, Katie Adair; by Wil-

by Bettie Napp for herself; by Nelson Lott for himself; by Allen Rogers for his wife, Fannie Rogers; by William Washington for himself; by Squire Warren Owens for himself; by Fannie Goldsby for her-

Vann for his wife, Bella Vann; by Maggie Stroud for her husband, Levi Stroud; by John Sumpter for himself; by Mariah Thompson for herself; by Ellen Shepherd for herself; and by Lula Melton for herself, claiming their right thereto by virtue of their marriage to Freedmen Cherokees entered.

The record further shows that none of the applicants herein make any claim to enrollment as citizens of the Cherokee Nation other than as set forth above.

It further appears from the record herein that at the time applications were made for the enrollment of the above named applicants, application was also made for the enrollment of other applicants as Cherokee Freedmen, but said applications being differently classified are not included in this decision.

It does not appear that any of the applicants herein are identified upon the 1880 Authenticated Cherokee Roll, nor does it appear that any of said applicants has ever been admitted to Cherokee citizenship by a duly constituted court or committee of the Cherokee Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321).

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Lemuel Welcome, (I. T. D. 5848-1904, 11,776-1904), the applications made for the enrollment of William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Midleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Fowell, Stepney David, Matilda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Melinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington,

Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sampter, Mariah Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by intermarriage, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[SIGNED] TAMS BIXBY,
Chairman.

[SIGNED] T. B. NEEDLES,
Commissioner.

[SIGNED] C. R. BRECKINRIDGE,
Commissioner.

MUSKOGEE, INDIAN TERRITORY, JANUARY 19, 1905.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Millie White, et al., as Cherokee freedmen, consolidating the applications of:

Millie White, et al.,	Cherokee Freedmen R 317
Annie Thomas,	Cherokee Freedmen R 43
Jim H. White, et al.,	Cherokee Freedmen R 320
Harry White,	Cherokee Freedmen R 321
Yancy Vinson et al.,	Cherokee Freedmen R 1068,

D E C I S I O N.

The record in this case shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Millie White for herself and minor child, Viola White, by Willie Thomas for his wife, Annie Thomas; by Jim H. White for himself and minor children, Samantha, Birdie, and Rita White, and for his wife, Sarah White, by intermarriage; by Harry White for himself; and by Yancy Vinson for himself and minor children, Elijah, Tilda, Orra, Colwest and Pink Vinson. Subsequent thereto an affidavit showing the birth, on January 17, 1902, of Essie Vinson, child of Yancy Vinson, was filed herewith and made a part of the record herein. Application was originally made for the enrollment of the said Annie Thomas as a citizen of the Cherokee Nation by intermarriage, but as any rights said applicant might possess by virtue of her marriage as a Cherokee freedman have been heretofore disposed of, only her rights as a Cherokee freedman will be considered in this decision.

The evidence in this case shows that one Charlotte Johnson, deceased, was the mother of the applicants, Millie White and Yancy Vinson; and that the said Millie White was born prior to the commencement of, and the said Yancy Vinson was born during the rebellion, but after ample opportunity afforded, it is not

established by satisfactory evidence that either the said Charlotte Johnson, deceased, nor the applicant, Millie White, was the slave of a Cherokee citizen at the commencement of the rebellion.

The evidence in this case further shows that during said rebellion said applicants, Millie White and Yancy Vinson, together with their said mother, Charlotte Johnson, deceased, lived in the state of Alabama, and that, after the close of the rebellion, neither the said applicants nor their said mother removed to the Cherokee Nation within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of freedmen to the Cherokee Nation.

The evidence further shows that the applicants, Viola White, Annie Thomas, Jim H. White and Harry White, are children of the applicant, Millie White, were born since the commencement of the rebellion, and possess no rights to enrollment other than as descendants of their said mother; that the applicants, Elijah, Tilda, Orra, Colwest, Pink and Essie Vinson, are children of the applicant, Yancy Vinson, were born since 1880, and it is not established that they possess any rights to enrollment other than as descendants of their said father; and that the applicants, Samantha, Birdie and Etta White, are children of the applicant, Jim H. White, were born since 1880, and possess no rights to enrollment other than as descendants of their said father. The applicant, Sarah White, neither possesses nor claims rights to enrollment as a Cherokee freedman other than such as she may obtain by virtue of her marriage to the applicant, Jim H. White. None of the applicants herein can be identified on any roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Millie White, Viola White, Annie Thomas, Jim H. White, Samantha White, Birdie White, Etta White, Harry White, Yancy Vinson, Elijah Vinson, Tilda Vinson, Orra Vinson, Colwest Vinson, Pink Vinson and Essie Vinson, as Cherokee Freedmen, should be denied, under the provisions of the Act below noted; and that, following the ruling of the Department in the case of Samuel Welcome (I.T.D. 5848-11776-04), Sarah White is not entitled to enrollment as a citizen by intermarriage of the Cherokee Nation, and that her application for enrollment as such, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGN) *Tams Bixby.*
Chairman

(SIGNED) *T. B. Needles.*
Commissioner

C. R. Breckinridge.
(SIGN)
Commissioner

Muskogee, Indian Territory,
APR 24 1905

COPY.

Cherokee Freedmen
3-14 et al.

Muskogee, Indian Territory, January 24, 1903.

Ball, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1903, rejecting the applications for the enrollment of, William Davis, Henry Stevens, Mitch Vann, Mary Trotter, Frances Walker, John Watson, Lucy Jane Vann, Thomas Long, Wiley Duffield, Willis Rider, Hester Campbell, Tom Harrison Smith, Jennie Whitlow, Henry Austin, Willie Fields, John Rhea, William F. Nelson, Jane Page, Albert T. Thomas, Lucy Campbell, Caroline Daniels, Evelyn Kennedy, Jane Duvall, Genevieve Blanchett, Andrew Martin, Miles Martin, Jane E. Latham, Will Davis, Kenneth Brown, Edward F. Watson, Jane McConnell, Rosa Walker, George Reed, Sr., Frank Coleman, Bell Thompson, Doris Scott, Jim Scott, Kenton Hampton, Thomas R. Allen, Lewis Vanderveer, Jane T. Austin, Sarah Davis, Charles Williams, Jane F. Rose, Jane Austin, Ivan Patterson, Alex Grayson, Martha Vann, John Scott, Fanny Rose, Charles B. Webb, Wade Hoffard, William Hagger, Willie Johnson, Alfred F. Hopkins, Rienzi Vann, Franklin Looney, Lucy

Chouteau, Alice Durant, Wahaley Ward, Fred D. Thomas, Nettie [illegible], Ellis Warren, Willie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney [illegible], Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula [illegible], George [illegible], Linnie West, Maria French, Mary Johnson, Maggie Vann, William [illegible], Sarah Rogers, Abraham Ballard, Laura Davis, John [illegible], [illegible] B. Perry, Isaac Welch, Lawson Logan, George Brandi, Nancy Mayer, George Adams, Annie Thomas, Lewis McDaniell, Callie Vann, Lyn Peters, Ida Adair, Robert Brown, Silis Chambers, Isom Sumpe, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Betty Looney, John Greves, Matilda McNair, Nettie Vann, Nelson Lair, Fannie Rogers, William Washington, Squire Warren Owens, Vencie Goldsby, Susan Daniels, Anderson Turk, David Lane, Pahle McClain, Henderson Jones, Nellie Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by intermarriage.

The decision, together with the record of proceedings had in the cause, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the

Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED). James Bixby.
Chairman.

Encl. K-9.

COPY.

Cherokee Freedmen

R-83.

Muskogee, Indian Territory, January 24, 1905.

Annie Thomas,

Dora, Arkansas.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage. A copy of the Commission's decision has this day been forwarded to your attorney, Edgar Smith, Vinita, Indian Territory.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

Incl. S-79.
Regist r.

COPY.

Cherokee Freedmen
3-14 et al.

Muskogee, Indian Territory, January 24, 1905.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted record of proceedings had in the matter of the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Watson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Mollie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John F. Barnes, Bell Davis, Samuel Brown, Howard P. Watson, Jack McConnell, Minnie Manley, George Reed, Sr., Dank Lehman, Bell Thompson, Lewis Scott, Ann Scott, Xander Lampton, Thomas E. Allen, Lewis Vanderford, John L. Beulin, Katie Davis, Charles Williams, John J. Ross, Jane Martin, Lena Peterson, Alex Johnson, Martha ... Vann, John Scott, Nancy Rees, Charles C. Smith, Susie Wolfert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Klamie Vann, Freddie Lemmy, Lucy Chuculate, Alice Durant, Katalee Vogt, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Parker,

Frances Martin, Mary Riley, [redacted] Taylor, [redacted], Lorrin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, [redacted], Mary E. Rogers, George Washington Lane, [redacted], [redacted], John Buckner, Willis Cox, Leonard Bowles, [redacted], [redacted], Samuel Irven, Mary Ross, Maggie [redacted], [redacted], Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, [redacted], Hattie Smith, Jack Jackson, Lula Sanders, George [redacted], Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sara Rogers, Abraham Ballard, Laura David, John [redacted], [redacted], Isaac Welch, Lawson Logan, George Howell, Henry Hemir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, [redacted], Ida Adair, Robert Brown, Ella Chambers, Isom Jones, Alice Hunter, Katie Adair, Carrie Martin, Benjamin Clark, [redacted], [redacted], Grover, Matilda McNair, Bettie Vann, Nelson Lett, [redacted], William Washington, Squire Warren Owens, [redacted], [redacted], Daniels, Anderson Vann, David Lane, Nelle McClain, [redacted], Jones, Nelle Vann, [redacted], [redacted], [redacted], Ellen [redacted] and Nola Hylton, on therefore still [redacted] marriage, including the Commissioner's decision dated September 20, 1920, rejecting said applications.

Respectfully,

(SIGNED). Tams Bixby.

Encl. E-8.

[redacted] the [redacted] of Indian Affairs.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, March 30, 1906.

Refer in reply
to the following:
Land.
7908-1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 24, 1906, transmitting the record of the application for enrollment as Cherokee citizens by intermarriage to Cherokee freedmen by William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lewis, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Dean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Chappell, Amanda Martin, Eliza Martin, John H. Barnes, Bell Doyle, Samuel Brown, Howard F. Watson, Jack McConnell, Wade Manley, George Reed, Sr., Buck Ledbetter, Bell Thompson, Lewis Scott, Ike Scott, Reuben Lampton, Thomas H. Allen, Lewis Vanderford, John L. Hamlin, Katie Lewis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Reed, John Scott, Nancy Reed, Charles C. Smith, Susie Colbert, William Rogers, Susie Johnson, Alfred F. Hopkins, Elsie Vann, Freddie Looney, Lucy Cherokee, Alice Durant,

Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dunn, Malinda Vann, Frances Johnson, Annie Foster, Mary E. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Haselrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Nasir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Tuck, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard, and Lula Walton.

January 19, 1906, the Commission decided adversely to all the applicants.

The record shows that none of the applicants makes claim to enrollment as citizens of the Cherokee Nation, except by intermarriage with a Cherokee Freedman; that none has ever been enrolled or admitted to citizenship by any tribal authority of the

Cherokee Nation or by any United States tribunal and that none is identified on the 1880 authenticated Cherokee roll.

In view of the record and of the ruling of the Department of November 12, 1904 (I. T. D. 5848-1904) in the Lemuel Welcome case, the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

M.M.M.
W.

(C O P Y)

D. C. 20877-1905.
I.T. D. 2904-1905

W.C.V.
V. M. M.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

April 17, 1905

L R S

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

January 24, 1905, you transmitted the record in the matter of the applications for the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation, including your decision of January 19, 1905, rejecting said applications, viz:

William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Marlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Malvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John K. Barnes, Bell Davis, Samuel Brown, Howard W. Watson, Jack McConnell, Wanda Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas H. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Bane, Jane Martin, Lena Petersen, Alex Johnson, Martha Vann,

John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Minnie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Buck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stephney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary M. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willie Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Rose, Maggie Wave, Neoma Wave, Ella Rose, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Wamelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Rudwen, Sarah Rogers, Abraham Ballard, Laura David, John Dedman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lee Peters, Ida Adair, Robert Brown, Allie Chambers Imon Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett , Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Jones, Felix McClain, Henderson Jones, Nellie Vann, Levi Stroud, John Sumpter, Mariah Thompson, Allen Sheppard and Lula Walton.

Reporting in the matter March 21, 1905, the Indian office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) THOS. RYAN
Acting Secretary

1 inclosure.

COPY.

Cherokee Freedmen

R-83.

Muskogee, Indian Territory, April 24, 1905.

Annie Thomas,

Dora, Arkansas.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 24, 1905, rejecting, among others, the application for your enrollment as a Cherokee freedman. There has heretofore been furnished your attorneys, Neal & London, Fort Smith, Arkansas, a copy of the record of proceedings, and there has this day been forwarded to them a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Incl. S-62
Register

COPY

Cherokee Freedmen

R-217, et al.

Muskogee, Indian Territory, April 24, 1905.

Neal & London,

Attorneys for Millie White, et al.,

Fort Smith, Arkansas.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 24, 1905, rejecting the applications for the enrollment of Millie White, et al., as Cherokee freedmen, and the application for the enrollment of Sarah White as a Cherokee citizen by intermarriage. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

Insl. S-63
Register

COPY.

Cherokee Freedmen

R-317, et al.

Muskogee, Indian Territory, April 24, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 24, 1905, rejecting the applications for the enrollment of Millie White, et al., as Cherokee freedmen, and the application for the enrollment of Sarah White as a Cherokee citizen by intermarriage.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED: Tams Bixby.

Chairman.

Incl. 2-44

COPY.

Cherokee Freedmen
Dowdy, et al.

Muskogee, Indian Territory, April 24, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Millie White, et al., including the Commission's decision dated April 24, 1908, rejecting the applications for the enrollment of Millie, Viola, Jim H., Samantha, Birdie, Etta and Harry White, Nancy, Elijah, Tilda, Orra, Colvest, Pink and Rosie Vinson and Annie Thomas as Cherokee freedmen, and the application for the enrollment of Sarah White as a Cherokee citizen by intermarriage.

Respectfully,

(SIGNED). Tams Bixby.

Chairman.

Incl. 2-68

Through the

Commissioner of Indian Affairs.

COPY.

Cherokee Freedmen

Dale, et al.

Muskogee, Indian Territory, April 28, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED). Tams Bixby.

Chairman.

COPY.

Cherokee Freedmen

D-14, et al.

Muskogee, Indian Territory, April 28, 1905.

Commissioner in Charge,

Cherokee Land Office,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED) Tams Bixby.

Chairman.

Refer in reply to
the following:
Land-32738-1905.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS.

Washington, May 9, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated April 24, 1905, transmitting the record in the application for enrollment as Cherokee Freedmen by Millie White for herself and her minor child, Viola White; by Willie Thomas for his wife, Annie Thomas; by Jim H. White for himself and his minor children, Samantha , Birdie and Etta White, and for his wife Sarah White, by intermarriage; by Harry White for himself; and by Yancy Vinson for himself and his minor children, Elijah, Tilda, Orra, Colwest, Pink and Essie Vinson.

April 24, 1905, the Commission decided adversely to all the applicants.

The record shows that Charlotte Johnson, deceased, was the mother of the applicants, Millie White and Yancy Vinson; that Millie White was born prior to the beginning of, and Yancy Vinson was born during, the war of the rebellion, but after ample opportunity it has not been established that the said Charlotte Johnson, deceased, not the applicants, Millie White

and Yancy Vinson were slaves of a Cherokee citizen at the beginning or during the war but that they lived in the state of Alabama during that period and that they did not remove to the Cherokee Nation on or before February 11, 1867.

The record further shows that the applicants, Annie Thomas, Viola, Jim H., and Harry White are children of Millie White, born since the beginning of the war and possess no rights to enrollment other than as descendants of their mother; that the applicants, Elijah, Tilda, Orra, Wolwest, Pink and Essie Vinson are children of Yancy Vinson born since 1880, and it is not established that they possess any rights to enrollment other than as descendants of their father; thatthe applicants Samantha, Birdie and Etta White are children of Jim H. White born since 1880, and possess no rights to enrollment other than as descendants of heir father. Sarah White neither possesses nor claims rights to enrollment as a Cherokee Freeman other than by marriage to Jim H. White.

None of the applicants is identified on any roll of the Cherokee Nation.

In view of the record the approval of the Commission's decision adverse to all the applicants is recommended.

Very Respectfully,

C. F. Larrabee,

Acting Commissioner.

MMM

W

C O P Y .

Refer in reply to
the following:
Land 36941-1905.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS.

Washington, May 18, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to office letter of May 9, 1905 (Land 32738-1905), there is enclosed a communication from Messers. Neal and London, attorneys at law, Fort Smith, Arkansas, transmitting a bill of exceptions with proof of service in the matter of the application for enrollment as Cherokee Freedmen by Millie White et als.

The record was forwarded to the Department May 9, 1905.

Very Respectfully,

C. F. Larrabee,

Acting Commissioner.

MMM

W

C O P Y.

J.P.
FHE

DEPARTMENT OF THE INTERIOR.

D. C. No. 45446-05.
I.T.D.5382-1905
5848- "

Washington, September 27, 1905

L.R.S.

Commissioner to the Five Civilized Tribes,

Sir:

April 24, 1905, the Commission to the Five Civilized Tribes transmitted the record in the consolidated case involving the applications for the enrollment of Millie White, Viola White, Jim H. White, Samantha White, Birdie White, Etta and Harry White, Yancy Vinson, Elijah Vihson, Tilda Vinson, Orra Vinson, Colwest Vinson, Pink Vinson and Essie Vinson and Annie Thomas as Cherokee Freedmen, and for the enrollment of Sarah White as a Cherokee citizen by intermarriage, including the Commission's decision of the same date, which was adverse to all the applicants.

Reporting May 9, 1905, the Indian Office recommended that said decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and the Commission's decision is hereby affirmed.

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary.

1 inclosure.

Cherokee Freedmen

S-317, et al.

Muskogee, Indian Territory, October 6, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated April 24, 1905, rejecting the applications for the enrollment of Millie White, et al., as Cherokee freedmen, and for the enrollment of Sarah White as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on September 27, 1905.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

Tams Bixby

Commissioner.

Encl. S-66

Cherokee Freedmen

R-317, et al.

COPY.

Muskogee, Indian Territory, October 6, 1905.

Neal & London,

Attorneys for Millie White, et al.,

Fort Smith, Arkansas.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated April 24, 1905, rejecting the applications for the enrollment of Millie White, et al., as Cherokee freedmen, and for the enrollment of Sarah White as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on September 27, 1905.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

Commissioner.

Incl. R-43

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
R-83.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 6, 1905.

Annie Thomas,
Dora, Arkansas.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated April 24, 1905, rejecting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on September 27, 1905.

Respectfully,

Commissioner.

LS

Returned unclaimed

ENROLLMENT REFUSED

Decision

IN THE MATTER OF THE APPLICATION OF

Annie J Inman

FOR ENROLLMENT AS

CHEROKEE FREEDMEN

A Original testimony Kay[illegible]

B Mem. of application "

REFUSED

APR [illegible]

[illegible] APPROVED BY SECRETARY OF THE INTERIOR

SEP [illegible]

Copy of testimony filed with
Cherokee Nation
See Cherokee Freedmen Jacket
No D 337

Cher Fr R 84

Cher Fr R 84

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
20 1901

REJECTED, as to Wife, Sophia:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., MAY 17th, 1902.

In the matter of the application of William Whitmire for the enrollment of himself and his wife, SOPHIA, as Cherokee Freedmen; said Whitmire being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your name? A William Whitmire.
Q How old are you? A 21.
Q What is your post office? A Wimer.
Q In what district do you live? A Cooweescoowee.
Q Who is it you want to enroll, just yourself? A Yes, sir.
Q Anybody else; are you married? A Yes, sir.
Q Is your wife a Cherokee Freedman? A Yes, sir.
Q Why don't you apply for her? A All right.
Q Have you any children? A No, sir.
Q You apply then for yourself and wife if you have no objection?
A Yes, sir.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Are you a recognized Freedman of the Cherokee Nation? A Yes, sir.
Q Have you ever applied for enrollment in any other tribe or Nation?
A No, sir.
Q Give me the name of your father? A Mose Whitmire.
Q Is he dead? A Yes, sir.
Q Give me the name of your mother? A Mariah.
Q Is she alive? A Yes, sir.
Q Give me the name of your wife? A Sophia.
Q Does your wife claim to be a Cherokee Freedman of her own right you say? A Yes, sir.
Q What was your wife's name when you married her? A Rowe.
Q Give me the name of her mother? A Lila.
Q Lila Rowe? A Yes, sir.
Q How old is your wife? A 18 years old.
Q When were you and she married? A In March.
Q This last March? A Yes, sir.
Q Is there anybody here that knows that you and she are married?
A Yes, sir, my mother:

MARIAH WHITMIRE, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your name? A Mariah Whitmire.
Q You were born 11 years before the war broke out, wasn't you?
A I was 11 years old when the war broke out.
Q What is your post office? A Wimer.
Q Is this applicant here your son? A Yes, sir.
Q Is he married? A Yes sir.
Q What is the name of his wife? A Sophia Rowe.
Q How long have they been married? A Married 24th of March.
Q This last March? A Yes, sir.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and applicant's name found thereon page 198, #3186, Willie Whitmire, Cooweescoowee District/
The 1896 Census Roll of Freedmen of the Cherokee Nation examined and applicant's name found thereon, page 426, #695, Willie Whitemire, Cooweescoowee District.

WILLIAM WHITMIRE, the applicant, re-called:

Q Has your wife any sisters older than she, or brothers?
A Yes, sir.
Q What are their names? A George, Eddie was the eldest.
Q Is he alive? A Yes, sir.
Q Eddie Rowe and George Rowe? A George, he is Ward.

Q I am talking about her brothers and sisters? A That is her brother, but he is just a half brother.
Q This Lila Rowe has she got any children older than your wife?
A Yes, sir.
Q Give me their names? A Eddie and George.
Q Anybody else? A Hattie.
Q Are they all called Rowe? A Yes, sir.

The 1880 Authenticated Roll of citizens of the Cherokee Nation examined and name of applicant's wife's mother not found thereon.
The 1896 Census roll of Freedmen of the Cherokee Nation examined and applicant's wife's name not found thereon.

Q Did your wife draw Cherokee trip money? A No, sir.
Q Is she on any roll? A Yes, sir.
Q On what roll is she? A On the Wallace roll I think.

The Wallace Roll of Freedmen of the Cherokee Nation examined and name of applicant's wife not found thereon.

COM'R BRUCE KIRKBRIDGE:--The applicant applies for the enrollment of himself and his wife. He is identified on the rolls of 1880 and 1896 as a Cherokee Freedman. He has lived in the Cherokee Nation all his life and he will be listed for enrollment as a Cherokee Freedman.
He states that his wife is a Cherokee Freedman of her own right, but she is not identified upon the Wallace roll or the 1880 roll, the roll of 1896 or the Kerns-Clifton roll. She is too young to be identified upon the roll of 1880, and her mother is not identified upon that roll. She is not considered to be entitled to enrollment of her own right and having married in the month of March of the present year, she is not considered under any theory to have acquired the right of enrollment by intermarriage to the applicant and the application for her enrollment is rejected.

---oooOOOooo---

J. O Rossen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Rossen

Subscribed and sworn to before me this 18th day of May, 1901.

W Whitmire

Commissioner.

CHEROKEE FREEDMAN.

ENROLLMENT REFUSED.

Dearborn

IN THE MATTER OF THE APPLICATION OF

Sophia Whitmire

FOR ENROLLMENT AS

CHEROKEE FREEDMEN.

A. Original testimony May 11. 01

B. Mem. of application " "

Transferred to Cher. R. F. 11/1

Copy of testimony filed with

Cherokee Nation

See Cherokee Freedmen Jacket

No 861

Cher Fr R 85

Cher Fr R 85

7285

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., MAY 17th, 1901.

In the matter of the application of Malsy Carbin for the enrollment of herself and three children as Cherokee Freedmen; said Carbin being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your name? A Malsy Downing.
Q How old are you? A 53 years old, about as near as I can guess.
Q What is your post office? A Chelsea.
Q In what district do you live? A Ceoweeseoowee.
Q Who is it you want to have put on the roll besides yourself?
A Three children.
Q Is that all? A Yes, sir.
Q Have you a husband? A Yes, sir.
Q Do you claim that he is a Cherokee Freedman? A No, sir.
Q Did he ever get a Cherokee license when he married you?
A No, sir.
Q How long have you lived in the Cherokee Nation? A I lived here before the war and then I don't know just exactly I stayed out of here
Q You came back after the war? A Yes, sir.
Q You came back sometime after the war and you have been living here ever since? A Yes, sir.
Q Have you lived here all your life except during the war a while after the war? A Yes, sir.
Q Are you a recognized Freedman of the Cherokee Nation?
A Yes, sir.
Q Are you on the rolls? A I guess I is, I ought to be.
Q Give me the name of your father? A Reuben Downing.
Q Is your father dead? A Yes, sir.
Q How long has he been dead? A About 12 years I guess.
Q Give me the name of your mother? A Jennie.
Q Is she dead? A Yes, sir.
Q How long has she been dead? A She died directly after the war, I reckon, I don't know just exactly to tell you the truth.
Q Give me the names of your children? A Lee.
Q How old is Lee? A I don't just exactly know, I have got the ages here.
Q Is his name Lee Downing? A Lee Carbin.
Q Lee is 19 years old is he? A Ye , sir.
Q Aleck is that the next one? A Yes, sir.
Q Aleck Carbin? A Yes, sir, that is right.
Q He is 16 years old, is that right? Yes, sir.
Q And then what do you call the next one? A Ervin.
Q Ervin Carbin? A Yes, sir.
Q He is 12 years old? A Yes, sir.
Q Well now, is your name at this time Carbin? A Yes, sir, at this present.
Q Are these three children all living at this time? A Yes, sir, was when I left home.
Q How many times have you been married? A Once.
Q When were you married? A Directly after the war.
Q To whom were you married? A Felix.
Q Felix Carbin? A Yes, sir.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and applicant's name not found thereon.
The 1896 Census Roll of Freedmen of the Cherokee Nation examined and applicant's name and those of her children not found thereon.

Q Are you on the 1896 roll, Census roll? A I can't tell you about the rolls.

The Kerns-Clifton roll of Freedmen of the Cherokee Nation examined and names of applicants not found thereon.

The Wallace Roll of Freedmen of the Cherokee Nation examined and applicants names found thereon as follows:
Page 109, #2305, Melzey Cobbin, Cooweescoowee District.
Page 109, #2310, Lee Cobbin, Coowee coowee District.
Page 109, #2312, Alexander Cobbin, Cooweescoowee District.

Q Where did you and your husband marry? A In Texas.
Q Where was Lee born? A He was born here.
Q Where was Aleck born? A Here.
Q Where was Ervin born? A Here in the Nation.
Q Have you got some children older than these? A Yes, sir.
Q How many? A Four.
Q What are their names? A William is the oldest one.
Q Which is next to William? A Jim.
Q Next to Jim? A Nettie.
Q Next to Nettie? A Sanford, Sam we call him.
Q How old is William? A I canttell you just exactly the ages.

FELIX CARBIN, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q What is your name? A Felix Carbin.
Q Are you the husband of this woman? A Yes, sir.
Q How old is your child, William? A 25
Q How old is Jim? A He is 24.
Q How old is Nettie? A Nettie's older than Jimm, Nettie's 23.
Q How old is Sam? A He is 21 or two I believe.
Q Where was William born? A William was born in Texas.
Q Where was Jim born? A Jim was born here in the Nation on the river.
Q Where was Nettie born? A She was born in Texas.
Q Where was Sam born? A He was born here on the river.
Q Now, Lee, Aleck and Ervin, where were they born? A Out here on Pryor Creek, where I live.

Malzy Carbin, the Applicant, re-called:
BY J. S. DAVENPORT, Cherokee Representative:

Q Malzy, to whom did you belong at the breaking out of the war? A Belonged to old lady Wright, the old lady.
Q Where were you living when the war broke out? A I was living out here somewhereas about.
Q Well were you living in the Cherokee Nation or Ellis County, Texas? A I was living in the Nation.
Q Now, when did you come back after the war to the Cherokee Nation? A Just quick as I could come.
Q Do you know Sam Couch? A Yes, sir.
Q Did you come before or after Sam Couch came to the Cherokee Nation? A I come with him when he come.
Q Well now, you testified before the Kerns-Clifton didn't you, when in your application for admission then? A Yes, sir.
Q I ask you if you didn't testify to this before the Kerns-Clifton: "My husband brought me back, I came back shortly after Sam Couch came;" didn't you testify that or not? A No, sir.
Q Well, you either came back when Sam did or after he did, one of the two didn't you? A Yes, sir, I came when my husband got a chance to send me.
Q Sam Couch was a brother of what we callg Pete at Chelsea was he? A Yes, sir.
Q And you are sure you didn't come before Sam did? A Yes, sir.
Q Your husband and children come when you did? A No, sir, my husband sent me.
Q You and your husband married in Texas did you? A Yes, sir.

BY COMMISSIONER Breckenridge:

Q Was your child William born when you came back from Texas after the war? A Yes, sir.
Q How old was William when you came back? A I guess he was about two or three years old.

Q And then after you come here Jim was born, is that right?
A Yes, sir.
Q So when you first came back to the Cherokee Nation after the war you brought that child, William, with you, did you? A Yes, sir, I brought him with me.
Q That was on your first ~~x~~ trip back to the Cherokee Nation?
A Yes, sir.
Q And then after Jim was born you went back to Texas? A No, sir, I never did go back.
Q I thought Nettie was born in Texas? A Yes, sir, Nettie was born, well I brought three children, Nettie and William.
Q And what is the third child that you brought with you? A Georgie he is dead, that was the oldest.
Q Oldest of all? A Yes, sir

COM'R BRECKINRIDGE:--The applic nt applies for the enrollment of herself and three children: She is not identified on the roll of 1880, or the Kerns Clifton-roll or the roll of 1896. She is identified on the Wallace roll, but she states that she was carried to the State of Texas during the war and did not return until after her marriage and until after the birth of three of her children, two of whom are now living, and the elder of the two is now 25 years of age. It was after the birth of a still younger child that she first returned to the Cherokee Nation. It is evident therefore that the applicant did not return to the Cherokee Nation until sometime after the year 1875, and consequently too late for her to qualify under the Treaty of 1866. No application is made for her husband who is a Texas man. Under these conditions the applicant will be listed as a Cherokee Freedman for rejection. Of the three children for whom applicant applicant, the two older, Lee and Aleck, are identified on the Wallace roll, but not upon the roll of 1896 or the Kerns-Clifton roll. They can under the conditions stated possess no right not enjoyed by their mother. They are said to be living and they will now be listed for enrollment as Cherokee Freedman on a rejected card, and the youngest child, Erwin, is not upon any roll. This child is said to be living and it also will be listed for enrollment as a Cherokee Freedman on a rejected card.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Rosson

Subscribed and sworn to before me this 18th day of May, 1901.

C Breckinridge

Commissioner.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAY 17 1901

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date May 17, 1901

Post Office Chelsea I. T.

District Coowescoowee

1. Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

1. Name of wife Mabry ~~Lawrence~~ Age 53

Owner's name ..... Citizenship .....

Year Wallace Page 109 No. 2315 District Coo

Parents:

Father Reuben Downing - dead. Citizenship .....

Mother Jennie " - dead. Citizenship .....

Names of Children:

2 3. Lee Barbin Year Wallace Page 109 No. 2310 Dist. Coo 19

3 Black " Year " Page 109 No. 2312 Dist. " 13

4 Elbert " Year — Page — No. — Dist. — 12

5. Year ..... Page ..... No. ..... Dist. .....

6. Year ..... Page ..... No. ..... Dist. .....

7. Year ..... Page ..... No. ..... Dist. .....

8. Year ..... Page ..... No. ..... Dist. .....

9. Year ..... Page ..... No. ..... Dist. .....

10. Year ..... Page ..... No. ..... Dist. .....

11. Year ..... Page ..... No. ..... Dist. .....

12. Year ..... Page ..... No. ..... Dist. .....

Rejected

Application made by Mrs. Stenographer J. C. Rosson

1 On Wallace roll as Mabry Barbin

2 " " " " Lee " "

3 " " " " Alexander "

4 ~~Applicant by Jennie Mc A. incompetent.~~

D 7R6

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUL 18 1901

ACTING CHAIRMAN.

A U P P L E M E N T A L T E S T I M O N Y .

F.-R.#66.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., JUNE 29th, 1901.

SUPPLEMENTAL TESTIMONY introduced on the part of Applicant in the matter of the enrollment of Malvy Carbin as a Cherokee Freedman.

APPEARANCES:

Applicant present in person and also by Atty. A. S. McRea.

Messrs. Hastings and Davenport, for Cherokee Nation.

MOSE HARDRICK, being sworn by Commissioner T. B. Needles, testified as follows: EXAMINATION BY MR. McREA:

Q Your name, Mr. Hardrick? A Mose Hardrick.
Q Your age? A 71.
Q Post office address? A Chelsea.
Q Citizen of the Cherokee Nation? A Yes, sir.
Q Are you acquainted with the applicant here, Malvy Carbin? A Yes, sir.
Q How long have you known her? A Pretty nigh ever sinc e she has been born.
Q Was she a slave? A Yes, sir.
Q In the Cherokee Nation? A Yes, sir
Q Do you know to whom she belonged? A Yes, sir.
Q Who? A Eliza Wright, one Indian.
Q Cherokee citizen? A Yes, sir.
Q Did she go out of the Nation during the war of the Rebellion between the North and South? A Yes, sir, her owners taken her.
Q Where was she carried to? A Texas.
Q When did she return do you know? A Not exactly when she returnd
Q When did you first see her after the war? A It was in along about the winter of '67 according to my judgment. I don't know no dates at that day of the world, I think it was about that time.
Q Now, there are two parts of the winter of '67, was it the first part of '67, what month? A It was near about Christmas, according to my knowledge now it was near about that time.
Q Christmas of '67? A yes, sir.
Q Where was that? A It was at her father's house.
Q In the Cherokee Nation? A Yes, sir.
Q Now, are you certain it was Christmas '67 or Christmas '66?
Question ruled out by the Commission as being leading.
Q Are you certain it was Christmas, '67? A I told you according to my knowledge it was about that time, I didn't know no dates.
Q Well, has she lived in the Cherokee Nation continuously since then? A Yes, as far as I know she has.

BY MR. HASTINGS:

Q She was married when you saw her after the war? A Yes, sir.
Q She had a husband by the name of Car bin? A Yes, sir.
Q How many children had she with her when you first saw her?
A Two.
Q What were their names? A One was named Jear go and the other Nettie.

BY MR. McREA:

Q About how old are these children? A I don't know, one was sucking and the other was a little bitty fellow.
Q Has she any brothers and sisters that you know of? A Yes, sir.
Q Can you name them? A I suppose I c an.
Q Name them. A Elias Downing and Zeboda Downing and Alsie Dean.
Q That brothers and sisters of hers? A Yes, sir.

ANDERSON LYNCH, being duly sworn by Commissioner Needles, testified as follows: BY MR. McREA:

Q Your name, Mr. Lynch? A Anderson Lynch.
Q Your age? A 64.
Q Are you a Cherokee Freedman? A Yes, sir.
Q Name on the roll of 1880? A Yes, sir.
Q Are you acquainted with the applicant here, Malzy Carbin?
A Yes, sir.
Q How long have you known her? A I have been knowing her ever since she was born.
Q Was she a slave in the Cherokee Nation before the Rebellion?
A Yes, sir.
Q To whom did she belong? A She belonged to Eliza Right's estate one of the girls drawed her when she died and taken her off to Texas.
Q How long was it after the war before you seen her?
A It was in the fall of '67
Q Where at? A Over there this side of Spavinaw where Jake Martin used to live; she stopped in there the other side of Lynch by the Island Ford about five or six miles.
Q Was that in the Cherokee Nation? A Yes, sir, Grand river.
Q Did she have any children with her at that time? A She had two, I think one sucking one and another one that is dead; I seen her there, they just stopped there to Jake Martin's.
Q Well, has she lived in the Cherokee Nation continuously since then? A Ever since as I know of; I never heard of her going out; she has been right there in the neighborhood until they moved out here.

MALZY CARBIN, the Applicant, recalled, being duly sworn by Commissioner Needles, testified as follows:
BY MR. McREA:

Q Mrs. Carbin, how long after the war closed was it before you left the State of Texas and returned to the Cherokee Nation?
A I don't know exactly, I had to come the best way I could.
Q Now, of your judgment about how long was it after the war before you arrived here in the Cherokee Nation, of your best judgment; was it a year or two, or how long? A I guess it was about a year or two years.
Q About a year? A Yes, sir, I guess about a year as near as I can come at it.
Q Now, to what point in the Cherokee Nation was it that you first went to, this time that you state that you returned back here?
A On Grand river to my father's.
Q Was your father already here when you arrived? A Yes, sir.
Q Where was he living? A On Grand river about where Beland's ferry is on this side about as near as I can tell.
Q How man children had you at that time? A When I returned back?
Q Yes, madam? A Two.
Q Two children? A Yes, sir.
Q Now, were all of your children except those two; where were they born, in the Cherokee Nation? A Yes, sir, all of them were born in the Cherokee Nation.
Q Have you lived in the Cherokee Nation since that time?
A Yes, sir.
Q Are you acquainted with Zebede Downing?
A Yes, sir, I ought to be acquainted with him, he iw my brother.
Q You and Zebede didn't come back to the Cherokee Nation together?
A No, sir.
Q BY MR. DAVENPORT:
Q You married in Texas after the war? A Yes, sir.
Q And lived there until you had two children born? A Yes, sir.

I, [illegible], being first duly sworn, stated that my name is [illegible] I am employed by the Commission to the Five Civilized Tribes, my employer to the Commission to the Five Civilized Tribes, my employer has reserved the testimony and proceedings in [illegible] case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 16th day of July, 1906.

Commissioner.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Malzy Carbin et al. for enrollment as Cherokee Freedmen, consolidating the applications of

Malzy Carbin, et al.,	Cherokee	Freedmen	R 85
James Carbin,	"	"	R 116
William Carbin,	"	"	R 118
Nettie Carbin, et al.,	"	"	R 120
Sanford Carbin,	"	"	R 123

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee Freedmen, were made to this Commission, by Malzy Carbin for herself and her minor children, Lee, Aleck and Ervin Carbin; by James Carbin for himself; by William Carbin for himself; by Nettie Carbin for herself and her minor children, Frank, Lonie and Teenie Carbin, and by Sanford Carbin, among others, for himself. The other parties to his application are differently classified and are not embraced in this decision.

The evidence shows that the said Malzy Carbin was the slave of a Cherokee citizen at the commencement of the rebellion; that she was taken to Texas during said rebellion and did not return to the Cherokee Nation until December, 1867. The other applicants herein were born since 1866 and are the descendants of said Malzy Carbin, through whom they claim their rights to enrollment as Cherokee Freedmen. It further appears that the names of none of the applicants herein are found on the 1880 authenticated Cherokee roll.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Malzy Carbin, Lee Carbin, Aleck Carbin, Ervin Carbin, James Carbin, William Carbin, Nettie Carbin, Frank Carbin, Lonie Carbin, Teenie Carbin and Sanford Carbin as Cherokee Freedmen should be denied under the provisions of section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Dated at Muskogee, I. T.,

this JUL 7 0

DEPARTMENT OF THE INTERIOR.

To the Honorable, the Secretary of the Interior:

In the matter of the enrollment of the following named persons for enrollment as Cherokee Freedmen, consolidating the applications of:

Mary Corbin et al.

~ 83 ~

MOTION FOR REVIEW OF DECISION.

Come now the above named persons who have been denied enrollment as Cherokee Freedmen, by their attorneys, Blue & Bulger and McGowan & Serven, and move the Honorable Secretary of the Interior to open their respective cases above named; to review the decision of the Commission to the Five Civilized Tribes denying said application; to reverse said decision, and to enroll each of the said applicants as a Cherokee Freedman, for the following reasons:

The decision of said commission in the matter of each application was and is contrary to law.

The evidence adduced by said applicants in support of their applications show:

1. That each of said applicants was a slave of a Cherokee citizen at the time of the commencement of the war of the rebellion and was liberated by voluntary act of his Cherokee owner or by law, or is the descendant of such slave.
2. That each of said applicants, if born, was a resident in good faith in the Cherokee Nation prior to June 28, 1898.
3. That said applications were made prior to September 1, 1902.
4. That at the date of said application, the said applicants had not abjured or forfeited their Cherokee citizenship by moving out of the Cherokee Nation with their effects to some other state or nation and by becoming a citizen thereof.

DOMICILE IN THE NATION Aug. 11, 1866

WHEREFORE, Said applicants, by their attorneys, respectfully request that they be enrolled as Cherokee Freedmen.

.....

Blue & Bulger
Attorneys for Applicants.

Service of the above motion accepted and a copy of the same received by the attorneys for the Cherokee Nation, at Vinita, I. T., this day of , 1905.

BELL, HASTINGS & DAVENPORT,
Attorneys for Cherokee Nation.

By .....

DEPARTMENT OF THE INTERIOR.

To the Honorable, the Secretary of the Interior:

In the matter of the application of the following named persons for enrollment as Cherokee Freedmen, consolidating the applications of:

Malzy Corbin, ✓ 85-
Lee Corbin, ✓
Alex Corbin, ✓
Erwin Corbin, ✓
James Corbin, ✓ 116
William Corbin, ✓
Nettie Corbin, ✓ 120
Frank Corbin, ✓
Lewis Corbin, ✓
Minnie Corbin, ✓
Winfred Corbin ✓

MOTION FOR REVIEW OF DECISION.

Come now the above named persons who have been denied enrollment as Cherokee Freedmen, by their attorneys, Blue & Bulger and McGowan & Serven, and move the Honorable Secretary of the Interior to open their respective cases above named; to review the decisions of the Commission to the Five Civilized Tribes denying said applications; to reverse said decisions, and to enroll each of the said applicants as a Cherokee Freedman, for the following reasons:

The decision of said commission in the matter of each application was and is contrary to law.

The evidence adduced by said applicants in support of their applications show:

1. That each of said applicants was a slave of a Cherokee citizen at the time of the commencement of the war of the rebellion and was liberated by voluntary act of his Cherokee owner or by law, or is the descendant of such slave.
2. That each of said applicants, if born, was a resident in good faith in the Cherokee Nation prior to June 28, 1898.
3. That said applications were made prior to September 1, 1902.
4. That at the date of said application, the said applicants had not abjured or forfeited their Cherokee citizenship by moving out of the Cherokee Nation with their effects to some other state or nation and by becoming a citizen thereof.

5. The COMMISSION holds that the principal applicant was taken to Texas during the WAR, and returned in December 1867. This shows that he did not abandon his Cherokee DOMICILE by remaining in Texas an unreasonable time.

WHEREFORE, Said applicants, by their attorneys, respectfully request that they be enrolled as Cherokee Freedmen.

.....

.....

Attorneys for Applicants.

Service of the above motion accepted and a copy of the same received by the attorneys for the Cherokee Nation, at Vinita, I. T., this day of , 1905.

BELL, HASTINGS & DAVENPORT,
Attorneys for Cherokee Nation.

By.....

COPY

Cherokee Freedman
R-85

Muskogee, Indian Territory, July 22, 1903.

Malzy Carbin,

Chelsea, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, in the consolidated case of Malzy Carbin et al., rejecting, among others, your application for the enrollment of yourself and minor children, Lee, Aleck and Ervin Carbin, as Cherokee freedmen. There has heretofore been furnished your attorney, A. S. McRae, Muskogee, Indian Territory, a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Register.

Enc. H-6.

COPY.

Cherokee Freedmen
No 26.

Muskogee, Indian Territory, July 22, 1903.

A. S. Mehee,
Attorney for Maley Carbin, et al.,
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, in the consolidated case of Maley Carbin, et al., rejecting, among others, the application of Maley Carbin for the enrollment of herself and her three minor children, Lee, Alex and Irvin Carbin, as Cherokee Freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Register.
Rec. H-18.

COMMISSIONERS
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.
W. E. STANLEY.

ALLISON L. AYLESWORTH.
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen
R-88, R-116, R-118,
R-120 & R-125.

Muskogee, Indian Territory, July 22, 1903.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, in the consolidated case of Malzy Carbin, et al., rejecting the applications for the enrollment of Malzy, Lee, Aleck, Ervin, James, William, Nettie, Frank, Lonie, Teenie and Sanford Carbin, as Cherokee Freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Enc. H-14.

COPY.

Cherokee Freedmen
R-85, R-114, R-118,
R-120 & R-125.

Muskogee, Indian Territory, July 22, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith inclosed the record of proceedings had in the matter of the application for the enrollment of Haley Gervin, et al., together with the Commission's decision, dated July 16, 1906, rejecting the applications for the enrollment of Haley, Eva, Black, Ervin, James, William, Nettie, Frank, Lonie, Teenie and Sanford Gervin, as Cherokee Freedmen.

Respectfully.

T. B. Needles

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

Enc. R-15.

Refer in reply to
the following:
Land.
46544/1903.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, Jan. 4, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith for the consideration of the Department, the record of the proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of Malsy Carbin, for the enrollment of herself and her minor children, Lee, Aleck and Ervin Carbin; of James Carbin for the enrollment of himself; of William Carbin for the enrollment of himself; of Nettie Carbin for the enrollment of herself and her minor children, Frank, Lonie and Teenie Carbin; and of Sanford Carbin for the enrollment of himself; all as Cherokee Freedmen.

On July 10, 1903, the Commission rendered a decision in this case, finding from the evidence that the said Malsy Carbin was the slave of a Cherokee Citizen at the commencement of the Rebellion; that she was taken to Texas during said Rebellion and did not return to the Cherokee Nation until December, 1867; that the applicants herein were born since 1866 and are the descendants of said Malsy Carbin, through whom they claim their right to enrollment as Cherokee Freedmen.

The Commission further finds that none of the names of these applicants appear on the 1880 authenticated Cherokee Roll; by reason of such findings the Commission is of the opinion that the applications herein should be denied, under the previsions of Section 21, of the Act of Congress approved June 28, 1898, (30 Stats., 495).

I have examined the testimony submitted in behalf of these applicants, and I consider that they fail to make out their case. They do not show by satisfactory testimony that they returned to the Cherokee Nation within the time prescribed by the Treaty of 1866, and by such failure I do not consider that they are entitled to enrollment as Cherokee Freedmen, and therefore recommend that the decision of the Commission herein be affirmed by the Department.

Very respectfully,

W. A. Jones,

Commissioner.

WCB-H

(COPY)

D.C.13488. WCF J.P.

DEPARTMENT OF THE INTERIOR, THE

WASHINGTON.

I.T.D. 100-1904. April 23, 1904.

U.R.S.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:-

July 22, 1903, you transmitted the record in the case involving the applications for enrollment as Cherokee freedmen of Malzy Carbin (Cherokee Freedmen R-85,R-116,R-118,R-120 & R-125), for herself and her minor children, Lee, Alock and Ervin Carbin; of James Carbin for himself; of William Carbin for himself; of Nettie Carbin for herself and her minor children, Frank, Lenis and Teenie Carbin; and of Sanford Carbin for himself, including your decision of July 10, 1903, denying said applications.

Reporting in the matter January 4, 1904, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation and your decision is accordingly affirmed.

Respectfully,

(Signed) Thos. Ryan

Acting Secretary.

1 inclosure.

Cherokee Freedmen
R-85.

Muskogee, Indian Territory, May 6, 1904.

Malsy Carbin,
Chelsea, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated July 10, 1903, rejecting, among others, your application for the enrollment of yourself and your minor children, Lee, Aleek, and Ervin Carbin, as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 23, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
R-85.

Muskogee, Indian Territory, May 6, 1904.

A. S. McRea,
Attorney for Malzy Carbin et al.,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 10, 1903, rejecting, among others, the application for the enrollment of Malzy, Lee, Aleck and Ervin Carbin as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 23, 1904.

Respectfully,

Commissioner in Charge.

MDG

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.
WM O. BEALL,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen
R-85 et al.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, May 6, 1904.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 10, 1903, in the consolidated case of Malzy Carbin et al., rejecting the applications for the enrollment of Malzy, Lee, Aleck, Ervin, James, William, Nettie, Frank, Lonie, Teenie and Sanford Carbin as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 23, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
R-85

Muskogee, Indian Territory, May 28, 1906.

Malzy Carbin,

Chelsea, Indian Territory.

Dear Madam:-

You are hereby advised that the motion filed by your attorneys September 7, 1905, for a review in your Cherokee freedman enrollment case, was dismissed by the Department May 2, 1906.

Respectfully,

Commissioner.

LMC

Muskogee, Indian Territory, May 28, 1906.

Blue & Bulger,

Attorneys for Eliza A. Arnold, et al.,

Vinita, Indian Territory.

Dear Sir:-

You are advised that this office is in receipt of Departmental letter of May 2, 1906, a copy of which is enclosed herewith, denying motions filed by you September 7, 1905 for review in the Cherokee Freedmen enrollment cases of Eliza A. Arnold and others named in said letter.

Respectfully,

Commissioner.

WMP

Muskogee, Indian Territory, May 29, 1906.

Bell, Hastings & Davenport,
Attorneys for Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:-

You are advised that this office is in receipt of Departmental letter of May 2, 1906, a copy of which is enclosed herewith, denying motions by Blue & Bulger, filed September 7, 1905, for review in the Cherokee Freedmen enrollment cases of Eliza A. Arnold and others named in said letter.

Respectfully,

Commissioner.

LMC

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JUN 27 1901

ACTING CHAIRMAN.

Nowata, Indian Territory, June 27th, 1901.

Received of the Commission to the Five Civilized Tribes, one copy of the original testimony of May 17th, 1901, in the matter of the application of Malsy Carbin et al for enrollment as Freedmen of the Cherokee Nation.

A. S. McRea

Attorney for Applicants.

Cherokee Freedman Bill Card,

Field No. N. 85.

CHEROKEE FREEDMAN.
ENROLLMENT REFUSED.

R 85

Dean

IN THE MATTER OF THE APPLICATION OF

Mabry Barbie et al

FOR ENROLLMENT AS

CHEROKEE FREEDMEN

A. Original Testimony May 17. 01

B. Remarks of application " "

Affid. relative to testimony "

C. Supplementary testimony June 24"

Apl.

Dr. Cherokee Freedmen Packet
No 85 N.Y. N.B. (R120 R123

Cher Fr R 86

Cher Fr R 86

EPARTMENT OF THE INTERI
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAY 20 1901

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., MAY 17th, 1901.

In the matter of the application of Lewis McConnell for enrollment as a Cherokee Freedman by intermarriage; said McConnell being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your name? A Lewis McConnell.
Q How old are you? A 43.
Q What is your post office? A Chouteau.
Q In what district do you live? A Cooweescoowee.
Q Who is it you want to enroll, anybody besides yourself? A No, just myself.
Q How long have you lived in the Cherokee Nation? A I have been here about 17 years.
Q Are you a recognized Freedman of the Cherokee Nation? A No, sir, adopted.
Q Adopted by the Cherokee Commission or Council?
A I guess so, I married in '99.
Q Did you marry a Cherokee Freedman? A Yes, sir.
Q Where did you come from? A I come from Fayettville, Arkansas?
Q You are a State man are you yourself? A Yes, sir.
Q Did you get out a Cherokee license when you married?
A Not, sir, got out a state license.
Q Where did you marry? A Down here at Chouteau.
Q What is your wife? A She is at home below Chouteau; Betsy Blunt is my wife.
Q Why don't you apply for her? A She has done been.
Q Done applied? A Yes, sir; Fort Gibson.
Q Her name is Betsy McConnell now, isn't it? A Yes, sir.

COM'R BRECKINRIDGE:--The applicant states that he married his wife in 1899 and that he is a state man and he makes no claim to the right of enrolled except through this marriage. He not being upon any roll and never been identified or admitted in any way to citizenship, his marriage being too late under the law of December 16th, 1895, to entitle him in any theory of his case to the right of enrollment at this time, the application for his enrollment is rejected. His wife to whom he refers has been duly enrolled on Cherokee Freedman card #678.

---ooo000ooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recordex the testimony nd proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 18th day of May, 1901.

C. R. Breckinridge

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAY 17 1901

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date May 17 1901

Post Office Fourteen G.

District Canadian

1. Name Lewis McConnell Age 43

Citizenship

Owner's name

Year — Page — No. District —

Parents:

Father Citizenship

Mother Citizenship

2. Name of wife Rejected Age

Citizenship

Owner's name

Year Page District

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

3. Year Page No. Dist.
4. Year Page No. Dist.
5. Year Page No. Dist.
6. Year Page No. Dist.
7. Year Page No. Dist.
8. Year Page No. Dist.
9. Year Page No. Dist.
10. Year Page No. Dist.
11. Year Page No. Dist.
12. Year Page No. Dist.

Application made by no. 1 Stenographer J. O. Brown.

R 86.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, Indian Territory, March 16, 1903.

In the matter of the application of Lewis McConnell for enrollment as a Cherokee Freedman.

S U P P L E M E N T A L S T A T E M E N T.

From an examination of the 1880 authenticated roll of the Cherokee Nation, now in possession of the Commission, it appears that the applicant's wife is identified thereon at page 620, Saline District, #174, as Betsy Buffington.

It is ordered that copies of this statement be filed with and made a part of the record herein.

C. R. Breckinridge
Commissioner.

Department of the Interior.

Commission to the Five Civilized Tribes.

In the matter of the application for enrollment of William Davis, et al., as citizens by intermarriage of the Cherokee Nation, consolidating the applications of:

William Davis,	Cherokee Freedmen D— 14,
Henry Thomas,	Cherokee Freedmen D— 56,
Ella Vann,	Cherokee Freedmen D— 70,
Mary Markham,	Cherokee Freedmen D— 109,
Frances Melton,	Cherokee Freedmen D— 110,
John Dotson,	Cherokee Freedmen D— 111,
Mary Jane Vann,	Cherokee Freedmen D— 115,
Thomas Lowe,	Cherokee Freedmen D— 119,
Ella Mayfield,	Cherokee Freedmen D— 124,
Sallie Rider,	Cherokee Freedmen D— 147,
Reuben Campbell,	Cherokee Freedmen D— 167,
Van Jackson Luther,	Cherokee Freedmen D— 174,
Cassie Middleton,	Cherokee Freedmen D— 176,
Mary Harlin,	Cherokee Freedmen D— 179,
Nellie Fields,	Cherokee Freedmen D— 185,
John Kimbo,	Cherokee Freedmen D— 186,
William B. Madden,	Cherokee Freedmen D— 199,
Jane Deany,	Cherokee Freedmen D— 205,
Albert T. Thomas,	Cherokee Freedmen D— 249,
Mary Campbell,	Cherokee Freedmen D— 270,
Caroline Daniels,	Cherokee Freedmen D— 283,
Melvina Alberty,	Cherokee Freedmen D— 287,
Dave Morris,	Cherokee Freedmen D— 288,
Alexander Claggett,	Cherokee Freedmen D— 303,
Amanda Martin,	Cherokee Freedmen D— 304,
Elsie Martin,	Cherokee Freedmen D— 307,
John E. Barnes,	Cherokee Freedmen D— 313,
Bell Davis,	Cherokee Freedmen D— 335,
Samuel Brown,	Cherokee Freedmen D— 340,
Howard D. Watson,	Cherokee Freedmen D— 347,
Jack McConnell,	Cherokee Freedmen D— 316,
Maude Manley,	Cherokee Freedmen D— 356,

George Reed, Sr.,	Cherokee Freedmen D—382,
Buck Ledman,	Cherokee Freedmen D—406,
Bell Thompson,	Cherokee Freedmen D—411,
Lewis Scott,	Cherokee Freedmen D—420,
Abe Scott,	Cherokee Freedmen D—421,
Kender Lampton,	Cherokee Freedmen D—423,
Thomas E. Allen,	Cherokee Freedmen D—424,
Lewis Vanderford,	Cherokee Freedmen D—426,
John L. Bowlin,	Cherokee Freedmen D—444,
Katie Davis,	Cherokee Freedmen D—455,
Charles Williams,	Cherokee Freedmen D—473,
John J. Rose,	Cherokee Freedmen D—474,
Jane Martin,	Cherokee Freedmen D—486,
Lena Peterson,	Cherokee Freedmen D—490,
Alex Johnson,	Cherokee Freedmen D—493,
Martha Vann,	Cherokee Freedmen D—495,
John Scott,	Cherokee Freedmen D—501,
Nancy Ross,	Cherokee Freedmen D—513,
Charles C. Smith,	Cherokee Freedmen D—514,
Susie Colbert,	Cherokee Freedmen D—520,
William Skaggs,	Cherokee Freedmen D—545,
Susie Johnson,	Cherokee Freedmen D—546,
Alfred P. Hopkins,	Cherokee Freedmen D—550,
Kizzie Vann,	Cherokee Freedmen D—552,
Freddie Looney,	Cherokee Freedmen D—573,
Lucy Chouteau,	Cherokee Freedmen D—584,
Alice Durant,	Cherokee Freedmen D—588,
Mahaley Ward,	Cherokee Freedmen D—608,
Fred D. Thomas,	Cherokee Freedmen D—650,
Bettie Beck,	Cherokee Freedmen D—665,
Ellis Warren,	Cherokee Freedmen D—667,
Millie Robinson,	Cherokee Freedmen D—674,
Mary Webber,	Cherokee Freedmen D—691,
Frances Martin,	Cherokee Freedmen D—692,
Mary Riley,	Cherokee Freedmen D—696,
Emanuel Taylor,	Cherokee Freedmen D—699,
Henry Sykes,	Cherokee Freedmen D—733,
Larkin P. Powell,	Cherokee Freedmen D—735,
Stepney Dawn,	Cherokee Freedmen D—736,
Malinda Vann,	Cherokee Freedmen D—741,
Frances Johnson,	Cherokee Freedmen D—742,
Annie Foster,	Cherokee Freedmen D—743,
Mary H. Rogers,	Cherokee Freedmen D—752,
George Washington Lane,	Cherokee Freedmen D—758,
Jane Brown,	Cherokee Freedmen D—760,

C.T.R. 86

Samuel L. Young,	Cherokee Freedmen D—761,
John Buckner,	Cherokee Freedmen D—780,
Willie Cox,	Cherokee Freedmen D—781,
Leonard Bowles,	Cherokee Freedmen D—787,
Malinda Murrell,	Cherokee Freedmen D—788,
Charles Claggett,	Cherokee Freedmen D—789,
Samuel Irven,	Cherokee Freedmen D—798,
Mary Ross,	Cherokee Freedmen D—799,
Maggie Nave,	Cherokee Freedmen D—808,
Neoma Nave,	Cherokee Freedmen D—816,
Ella Ross,	Cherokee Freedmen D—840,
Elizabeth Duncan,	Cherokee Freedmen D—871,
Sadie Adams,	Cherokee Freedmen D—880,
Georgeann Archer,	Cherokee Freedmen D—901,
John Claggett,	Cherokee Freedmen D—912,
Hattie Smith,	Cherokee Freedmen D—923,
Jack Jackson,	Cherokee Freedmen D—938,
Lula Sanders,	Cherokee Freedmen D—973,
George Hazelrig,	Cherokee Freedmen D—987,
Lizzie West,	Cherokee Freedmen D—990,
Maria French,	Cherokee Freedmen D–1010,
Mary Johnson,	Cherokee Freedmen D–1039,
Maggie Vann,	Cherokee Freedmen D–1062,
William Hudson,	Cherokee Freedmen D–1067,
Sarah Rogers,	Cherokee Freedmen D–1078,
Abraham Ballard,	Cherokee Freedmen D–1082,
Laura David,	Cherokee Freedmen D–1085,
John Deekman,	Cherokee Freedmen D–1105,
James B. Perry,	Cherokee Freedmen R— 39,
Isaac Welch,	Cherokee Freedmen R— 45,
Lawson Logan,	Cherokee Freedmen R— 48,
George Howell,	Cherokee Freedmen R— 50,
Henry Mann,	Cherokee Freedmen R— 72,
George Adams,	Cherokee Freedmen R— 82,
Annie Thomas,	Cherokee Freedmen R— 83,
Lewis McConnell,	Cherokee Freedmen R— 86,
Callie Vann,	Cherokee Freedmen R— 94,
Lou Peters,	Cherokee Freedmen R— 96,
Ida Adair,	Cherokee Freedmen R— 99,
Robert Brown,	Cherokee Freedmen R—100,
Allie Chambers,	Cherokee Freedmen R—102,
Isom Jones,	Cherokee Freedmen R—104,
Alice Ganter,	Cherokee Freedmen R—105,
Katie Adair,	Cherokee Freedmen R—106,
Carrie Martin,	Cherokee Freedmen R—107,

Benjamin Clark,	Cherokee Freedmen R.—108,
Emily Looney,	Cherokee Freedmen R.—110,
John Groves,	Cherokee Freedmen R.—112,
Matilda McNair,	Cherokee Freedmen R.—117,
Bettie Vann,	Cherokee Freedmen R.—122,
Nelson Lett,	Cherokee Freedmen R.—125,
Fannie Rogers,	Cherokee Freedmen R.—129,
William Washington,	Cherokee Freedmen R.—131,
Squire Warren Owens,	Cherokee Freedmen R.—143,
Fannie Goldsby,	Cherokee Freedmen R.—144,
Susan Daniels,	Cherokee Freedmen R.—146,
Anderson Turk,	Cherokee Freedmen R.—148,
David Lane,	Cherokee Freedmen R.—156,
Felix McClain,	Cherokee Freedmen R.—165,
Henderson Jones,	Cherokee Freedmen R.—173,
Belle Vann,	Cherokee Freedmen R.—181,
Levi Stroud,	Cherokee Freedmen R.—196,
John Stumpter,	Cherokee Freedmen R.—311,
Mariah Thompson,	Cherokee Freedmen R.—330,
Ellen Sheppard,	Cherokee Freedmen R.—337,
Lula Melton,	Cherokee Freedmen R.—347

DECISION.

It appears from the record herein that applications for enrollment as Cherokee citizens by intermarriage, were made to this Commission by William Davis for himself; by Hannah Thomas for her husband, Henry Thomas; by Jim Vann for his wife, Ella Vann; by Sig Markham for his wife, Mary Markham; by Nathan Melton for his wife, Frances Melton; by Mary Dotson for her husband, John Dotson; by George W. Vann for his wife, Mary Jane Vann; by Thomas Lowe for himself; by Thomas Mayfield for his wife, Ella Mayfield; by James Rider for his wife, Sallie Rider; by Reuben Campbell for himself; by Van Jackson Luther for himself; by Tobe Midleton for his wife, Cassie Midleton; by Thomas Harlin for his wife, Mary Harlin; by John Fields for his wife, Nellie Fields; by John Kimbo for himself; by William N. Madden for himself; by Tobias Bean for his wife, Jane Bean; by Etta Thomas for her husband, Albert T. Thomas; by James Campbell for his wife, Mary Campbell; by Frank Daniels for his wife, Caroline Daniels; by Jim Alberty for his daughter-in-law, Melvina Alberty; by Sarah Morris for her husband, Dave Morris; by Jane Claggett for her husband, Alexander Claggett; by Peyton Martin for his wife, Amanda Martin; by Charles Martin for his wife, Eliza Martin; by John E. Barnes for himself; by Joe Davis for his wife, Bell Davis; by Ellen Brown for her husband, Samuel Brown; by Mary Ann Watson for her husband, Howard F. Watson; by Jack McConnell for himself; by Maude Manley for herself; by George Reed, Sr., for himself; by Buck Ledman for himself; by Bell Thompson for herself; by Lewis Scott for himself; by Abe Scott for

himself; by Kender Lampton for himself; by Thomas E. Allen for himself; by Lewis Vanderford for himself; by Elizabeth Bowlin for her husband, John L. Bowlin; by John D. Davis for his wife, Katie Davis; by Charles Williams for himself; by John J. Rose for himself; by David Martin for his wife, Jane Martin; by Fred Peterson for his wife, Lena Peterson; by Mariah Johnson for her husband, Alex Johnson; by Joseph Vann for his wife, Martha Vann; by John Scott for himself; by Steve Looney for Nancy Ross; by Charles C. Smith for himself; by James Colbert for his wife, Susie Colbert; by Rosanna Skagge for her husband, William Skagge; by Susie Johnson for herself; by Alfred P. Hopkins for himself; by Charles Vann for his wife, Kizzie Vann; by Jake Looney for his wife, Freddie Looney; by Lucy Chouteau for herself; by Alice Durant for herself; by Alonzo Ward for his wife, Mahaley Ward; by Fred D. Thomas for himself; by Benjamin Beck for his wife, Bettie Beck; by Ellis Warren for himself; by William Henry Robinson for his wife, Millie Robinson; by Josh Webber for his wife, Mary Webber; by Otto Martin for his wife, Frances Martin; by Ed Riley for his wife, Mary Riley; by Emanuel Taylor for himself; by Henry Sykes for himself; by Larkin P. Powell for himself; by Stepney Dawn for himself; by Ellis Vann for his wife, Malinda Vann; by David Johnson for his wife, Frances Johnson; by Phillip Foster for his wife, Annie Foster; by Houston Rogers, Jr., for his wife, Mary H. Rogers; by George Washington Lane for himself; by Silas Hammer Brown for his wife, Jane Brown; by Samuel L. Young for himself; by Lizzie Buckner for her husband, John Buckner; by Sarah Cox for her husband, Willis Cox; by Susan Bowles for her husband, Leonard Bowles; by Henry Murrell for his wife, Malinda Murrell; by Charles Claggett for himself; by Samuel Irven for himself; by David Ross for his wife, Mary Ross; by George F. Nave for his wife, Maggie Nave; by Lewis Armstead Nave for his wife, Neoma Nave; by Perry Ross for his wife, Ella Ross; by Elizabeth Duncan for herself; by Perry Adams for his wife, Sadie Adams; by Thomas Archer for his wife, Georgeann Archer; by Nancy Claggett for her husband, John Claggett; by Sonny Smith for his wife, Hattie Smith; by Jack Jackson for himself; by John Sanders for his wife, Lula Sanders; by Mary Hazelrig for her husband, George Hazelrig; by George West for his wife, Lizzie West; by Maria French for herself; by Mary Johnson for herself; by Maggie Vann for herself; by William Hudson for himself; by Sarah Rogers for herself; by Abraham Ballard for himself; by King David for his wife, Laura David; by John Deckman for himself; by James B. Perry for himself; by Lano Welch for himself; by Nancy Logan for her husband, Lawson Logan; by Maria Howell for her husband, George Howell; by Amanda Masir for her husband, Henry Masir; by Katie Adams for her husband, George Adams; by Willie Thomas for his wife, Annie Thomas; by Lewis McConnell for himself; by Josh Vann for his wife, Callie Vann; by Lou Peters for herself; by Robert Adair for his wife, Ida Adair; by Josie Brown for her husband, Robert Brown; by Mat Chambers for his wife, Allie Chambers; by Rachel Jones for her husband, Isom Jones; by Lewis Gunter for his wife, Alice Gunter; by Amos Adair for his wife, Katie Adair; by William H. Martin for his wife, Carrie Martin; by Benjamin Clark for himself; by Emily Looney for herself; by Mary Groves for her husband, John Groves; by Butler McNair for his wife, Matilda McNair; by Bettie Vann for herself; by Nelson Lott for himself; by Allen Rogers for his wife, Fannie Rogers; by William Washington for himself; by Squire Warren Owens for himself; by Fannie Goldsby for herself; by Charles Daniels for his wife, Susan Daniels; by Rachel Turk for her husband, Anderson Turk; by David Lane for himself; by Felix McClain for himself; by Henderson Jones for himself; by Isaac Vann for his wife, Belle Vann; by Maggie Stroud for her husband, Levi Stroud; by John Sumpter for himself; by Mariah Thompson for herself; by Ellen Sheppard for herself; and by Lula Melton for herself, claiming their right thereto by virtue of their marriage to Freedmen Cherokee citizens.

The record further shows that none of the applicants herein make any claim to enrollment as citizens of the Cherokee Nation other than as set forth above.

It further appears from the record herein that at the time applications were made for the enrollment of the above named applicants, application was also made for the enrollment of other applicants as Cherokee Freedmen, but said applications being differently classified are not included in this decision.

It does not appear that any of the applicants herein are identified upon the 1880 Authenticated Cherokee Roll, nor does it appear that any of said applicants has ever been admitted to Cherokee citizenship by a duly constituted court or committee of the Cherokee Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321).

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Lemuel Welcome, (I. T. D. 5848-1904, 11,776-1904), the applications made for the enrollment of William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Midleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Melinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington,

Squire Warren Owens, Fannie Goldsby, Susan Dibble, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stopp, John Rudolph, Maggie Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by intermarriage, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[SIGNED] TAMS BIXBY,
Chairman.

[SIGNED] T. B. NEEDLES,
Commissioner.

[SIGNED] C. R. BRECKINRIDGE,
Commissioner.

MUSKOGEE, INDIAN TERRITORY, JANUARY 19, 1905.

COPY.

Cherokee Freedmen

R-86.

Muskogee, Indian Territory, January 24, 1906.

Lewis McConnell,

Choteau, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 18, 1906, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Incl, S-80.

Register.

COPY.

Cherokee Freedmen
3-24 et al.

Muskogee, Indian Territory, January 24, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 23, 1905, rejecting the applications for the enrollment of, William Davis, Henry Thomas, Nila Vann, Mary Matthews, Frances Melton, John Watson, Mary Jane Vann, Thomas Lowe, Nila Mayfield, Sallie Rider, Reuben Campbell, Tan Jackson Luther, Cassie Middleton, Mary Martin, Nellie Fields, John Kimbo, William S. Medlin, Jane Bean, Albert L. Thomas, Mary Campbell, Caroline Daniels, Melvina Atterby, Dan Morris, Alexander Claggett, Amanda Martin, Milton Martin, John E. Burton, Bell Davis, Samuel Brown, Romain P. Nelson, Jack Mackenzie, Monroe Manley, George Reed, Sr., Buck Lafferge, Bill Thompson, Lewis Scott, Jim Scott, Kender Lampton, Thomas E. Alley, Lewis Fairchild, Nina I. Berlin, Katie Davis, Charles Williams, John F. Ross, Jane Martin, Jenna Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles W. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Minnie Vann, Francis Lorney, Lucy

Chouteau, Alice Durant, Wahaley Ward, Fred J. Thomas, Bettie [illegible], Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dean, Malinda Vann, Frances Johnson, Annie Foster, Mary M. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Wave, Neema Wave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Araber, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hamelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Watson, Sarah Rogers, Abraham Ballard, Laura David, John Dockman, James B. Perry, Isaac Welch, Lennon Logan, George Howell, Henry Mesir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lee Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Willy Looney, John Graves, Matilda McNair, Bettie Vann, Nelson Lott, Fannie Rogers, William Washington, Squire Warren Guess, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix [illegible], Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Myrick Thompson, Kilen Sheppard and Lula Walton, as Cherokee citizens by intermarriage.

The decision, together with the record of proceedings had in the cause, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the

Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED): Tams Bixby.
Chairman.

Incl. K-9.

COPY.

Cherokee Freedman
D-14 et al,

Muskogee, Indian Territory, January 24, 1905.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted record of proceedings had in the matter of the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Lucy Hagin, Nellie Fields, John Kimbo, William S. Madden, Jane Dean, Albert F. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John F. Barnes, Bull Davis, Samuel Brown, Howard F. Watson, Jack McClannahil, Mamie Manley, George Reed, Sr., Buck Lashua, Bell Thompson, Lewis Scott, Abe Scott, Kendey Hampton, Thomas M. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Willingham, John J. Ross, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Rogers, Susie Johnson, Alfred P. Hopkins, Minnie Vann, Freddie Looney, Lucy Chesteen, Alice Sprague, Mahaley West, Fred D. Thomas, Bettie Rook, Willis Warren, Millie Robinson, Mary Foster,

Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Lethia P. Powell, Stepney Dawn, Melinda Vann, Frances Johnson, Annie Felker, Mary H. Rogers, George Washington Lane, Fred Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Matilda Harrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Hays, Neoma Nave, Miss Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hendrix, Minnie West, Maria French, Mary Johnson, Maggie Vann, William Hadley, Sarah Rogers, Abraham Ballard, Laura David, John Beckham, James R. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Mahr, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Sumter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Hattie Vann, Nelson Katt, Fannie Hughes, William Washington, Squire Warren Owens, Fannie Gilleby, Susan Daniels, Andersen Turk, David Lane, Felix McClain, Sanderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Shappard and Lula Melton, as Cherokee citizens by inter-marriage, including the Commission's decision dated January 29, 1908, rejecting said applications.

Respectfully,

(SIGNED) Tams Bixby.
Commissioner.

Incl. K-8.

Through the
Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, March 20, 1905.

Refer in reply
to the following:
Land.
7908-1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 24, 1905, transmitting the record of the application for enrollment as Cherokee citizens by intermarriage to Cherokee freedmen by William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbe, William S. Holden, Jane Dean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Chappell, Amanda Martin, Eliza Martin, John R. Barnes, Will Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Mamie Manley, George Reed, Sr., Buck Ledbem, Bell Thompson, Louis Scott, Abe Scott, Kunder Langston, Thomas H. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Reed, John Scott, Nancy Dobs, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Minnie Vann, Freddie Looney, Lucy Chambers, Alice Barnett,

Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Tayler, Henry Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Haselrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deakman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Nasir, George Sims, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Nair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Latt, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Shroud, John Sumpter, Mariah Thompson, Ellen Sheppard, and Lula Melton.

[redacted]ry 19, 1906, the Commission decided adversely to all the applicants.

The record shows that none of the applicants makes claim to enrollment as citizens of the Cherokee Nation, except by intermarriage with a Cherokee Freedman; that none has ever been enrolled or admitted to citizenship by any tribal authority of the

Cherokee Nation or by any United States tribunal and that name is identified on the 1880 authenticated Cherokee roll.

In view of the record and of the ruling of the Department of November 12, 1904 (I. T. D. 5848-1904) in the Lemuel Welcome case, the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

E. B. Larrabee,

Acting Commissioner.

M.M.M.
W.

(C O P Y)

W.C.P.
F. H. E.

D. C. 20877-1905.
I.T. D. 2904-1905

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

April 17, 1905

L R S

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

January 24, 1905, you transmitted the record in the matter of the applications for the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation, including your decision of January 18, 1905, rejecting said applications, viz:

William Davis, Henry Thomas, Elia Vann, Mary Markham, Frances Melton, John Botsen, Mary Jane Vann, Thomas Lowe, Elia Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dav e Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John R. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr. , Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas R. Allen, Lewis Vanderford, John L. Rowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Luna Peterson, Alex Johnson, Martha Vann,

John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Nettie Beck, Willis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Tayler, Henry Sykes, Larkin P. Powell, Stephney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary M. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Eddie Adams, Georgeann Archer, John Claggett, Nattie Smith, Jack Jackson, Lula Sanders, George Vanalvig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Beckham, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Blair, George Adams, Annie Thomas, Lewis McDermell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lott , Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson York, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton.

Reporting in the matter March 21, 1905, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) THOS. RYAN
Acting Secretary

1 inclosure.

COPY. Cherokee Freedmen

R-86.

Muskogee, Indian Territory, April 28, 1905.

Lewis McConnell,

Choteau, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

COPY.

Cherokee Freedmen

D 16, 24 Ed.

Muskogee, Indian Territory, April 28, 1908.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated January 13, 1908, rejecting the applications for the enrollment of William Davis et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1908.

Respectfully,

(SIGNED) Tams Bixby.

Chairman

COP

Cherokee Freedmen
D-18, et al.
Muskogee, Indian Territory, April 26, 1906.

Commissioner in Charge,
Cherokee Land Office,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1906, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1906.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

ENROLLMENT REFUSED.

R 86

Decision

IN THE MATTER OF THE APPLICATION OF

Lewis McCormell

FOR ENROLLMENT AS

CHEROKEE [illegible] EN

A. Original testimony May 17. '01

B. Trim. of application " "

Cher Fr R 87

Cher Fr R 87

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., MAY 17th, 1901.

In the matter of the application of Rosa Moore for the enrollment of her sister, PEARLEY MUSGROVE, as a Cherokee Freedman; said Moore being sworn and examined by Commissioner C. R. BRecKinridge, testified as follows:

Q Give me your name. A Rosa Moore.
Q How old are you? A About 47 years old, or 48 somewhere.
Q What is your post office? A Ketchum.
Q In what district do you live? A Delaware.
Q Are you the Rosa Moore that is married to Nelson Moore?
A Yes, sir.
Q Who is it you want to have enrolled now? A My sister, my youngest sister.
Q How old is she? A I don't know her age just exactly, but I think she is somewhere about 13 years old.
Q What is her name? A PEARLY Musgrove.
Q Give me the name of this child's father? A Jack Musgrove.
Q Is he alive? A No, sir.
Q Give me the name of the child's mother? A Sallie Musgrove.
Q Is she alive? A No, sir.
Q How long has Sallie Musgrove been dead? A I don't know just exactly she had been dead, but she died somewhere just about the time of the Hayden payment.
Q About the time of the strip payment? A Yes, sir.
Q About four years ago? A Something like that.
Q This child, Pearly, is living with you? A Yes, sir.
Q This is your half sister isn't it? A Yes, sir.
Q What was your mother's name? A My mother was named Rachel Daniels.
Q Was Jack Musgrove your father? A Yes, sir.
Q How long has Jack been dead? A He died shortly after his wife died.
Q Did your mother die before Jack married this wife, Sallie?
A Well, I don't really know whther my mother died or what became of her, when they was sent her south during the war I was a small child, I was only five years old.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and the names of the parents of applicant's sister not found thereon.

APPLICANT: She (Meaning her sister) ain't on no roll.

Q Was this child's mother ever admitted to enrollment?
A Not that I know of.
Q Was her father ever admitted to enrollment? A On the Wallace roll I think.
Q How comes that that child is not on any roll? A I could not tell you why she was on no roll because I don't know anything about that part of it because she has only come in my hands, she ain't had no parents to see after her.

The Wallace Roll of freedmen of the Cherokee Nation examined and the name of the father of applicant's sister found thereon, page 129, #2801, Jack Musgrove, Cooweescoowee Dist.

Q You say this child, Pearly didn't draw strip money? A No, sir, not as I know of.

COM'R BRECKINRIDGE: The applicant applies for the enrollment of a half sister, whom she states is 13 years of age, is an orphan and his living with her. The child cannot be identified upon any roll, nor can its mother she is said to have died some four years ago be identified upon any roll. The father is identified upon the Wallace Roll.

Under these condistions it is not seen upon what ground the child can be enrolled at this time and she will be listed for enrollment as a Cherokee Freedman on a rejected card.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 18th day of May, 1901.

C. A. Mackinnon

Commissioner.

Cherokee Freedmen D-914
" " (R- 87)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Pearly Musgrove as a Cherokee Freedman.

-:-

O R D E R.

It is ordered that copies of the testimony taken at Port Gibson, Indian Territory, September 26, 1901, and of the decision rendered by this Commission on April 20, 1904, and approved by the Secretary of the Interior on May 27, 1904, in the application of Frank Musgrove, et al, for enrollment as Cherokee Freedmen, Cherokee Freedmen D-914 (R-369), be filed with, and made a part of the record in the application of Pearly Musgrove for enrollment as a Cherokee Freedman, Case No.R-87.

Commissioner

Dated at

Muskogee, Indian Territory,

Sept. 30, 1904.

To be Filed in C. F. R-87. (C O P Y)

Supl. C.F.D.#914.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FORT GIBSON, I.T., SEPTEMBER 26, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of Frank Musgrove as a Cherokee Freedman, introduced on the part of the Cherokee Nation.

APPEARANCES:
The Cherokee Nation makes proof of service on the applicant that testimony would be taken in his case, and comes not.
Mr. W. W. Hastings, attorney for Cherokee Nation.

HAYWOOD ROWE, being duly sworn by Commissioner Needles testified as follows:
Mr. HASTINGS: What is your name? A Haywood Rowe
Q What is your age, Mr. Rowe? A I am about 42.
Q What is your postoffice? A Talala.
Q Are you a recognized Cherokee Freedman? A Yes,sir.
Q Citizen of the Nation? A Yes,sir.
Q How long have you lived up near Talala? A About twenty years, 28 or nine years, about 28 years.
Q Do you know Frank Musgrove, who was an applicant for enrollment as a Cherokee freedman? A Yes sir.
Q Whose postoffice is Talala? A Yes,sir.
Q Claims to be about 24 years of age? A Yes,sir.
Q Did you know his father? A Yes,sir.
Q What was his father's name? A Jack Musgrove.
Q Did you knew his mother? A Yes,sir.
Q What was her name? A Sallie
Q She was state raised? A Yes,sir
Q You didn't know Jack Musgrove before the war did you?
A No,sir.
Q Are you any relation to this applicant, Frank? A My wife is his cousin.
Q How long have you and your wife been married? A We married about the time Lipe payment, about 19 years ago.
Q Now, when did you get acquainted with this young Frank Musgrove, this applicant? A I got acquainted with him the year before Lipe made the payment.
Q Do you knew what years that was? A No, I don't remember w what year that was.
Q Mr. Lipe Treasurer? A Yes,sir, Treasurer of the Cherokee Nation, and Bushyhead was Chief, seems to me like it was 19 or 20 years ago.
Q Well, do you know when Jack Musgrove and his family came back to the Cherokee Nation? A Yes,sir.
Q Well, now state all you knew about it?
A Uncle Jack came down here in the fall, nearly/ Christmas, and on the first day of January he got one oxen from Rab and one from Rose, his hald brother, and they got me to go to Council Greve and move them down here.
Q Council Greve where? A Kansas and got to Council Greve about the first of February and got down here about the second day of April and the next summer Lipe paid out the money.

Q Had you ever seen Jack Musgrove down in this country before?
A Never had.
Q You say he come down and got you to go up there and move his family down? A Yes,sir.
Q His wife and children living up there? A Yes sir.
Q Council Grove, Kansas? A Yes,sir.
Q What children did you bring down? A I brought Frank and Nealy and two stepchildren, John, Mary and Henry; they were his children; Frank and Mary is living and Nealy is dead.
COM'R NEEDLES: That is Jack Musgrove you moved down?
A Yes,sir.
Q Did you know him before that? A No,sir.
Q You say he got you to go and move them down here? A Well, I didn't know him until he come down that winter before Christmas.
Q What winter? A That was the winter before the payment.
Q What payment? The Lipe payment.
Q Year before the payment in 1880? A Yes,sir.
Q He come to you? A He come, his two brothers, Rab and Muse.
MR. HASTINGS: Give their full names? A Rab Rogers and Houston Rogers.
COM'R NEEDLES: He come to you? A Yes,sir.
Q How long had he been in the Cherokee Natio before that?
A Me and Rab went to Coffeyville and that was the first time we ever saw him, and come to us up there near Coffeyville and him and Rab shoook hands and cried, and when we got home his mother; we tied Rab in horse chains and told her it was a horse thief, and he stayed there until fall and we went up there and moved his family back.
Q It was in the year 1880? A No,sir, it was the year before the Lipe payment, we stayed here all the next summer and the next August Lipe made the payment.
Q You had lived here all the time yourself? A Yes,sir, I lived up here on Fourteen Mile creek
Q You never heard of Jack Musgrove until that time?
A No,sir, I lived with his mother.
Q Where? Up On Caney, she raised my wife, Aunty Lucy Rogers, raised my w fe.
Q And you moved Jack and his family? A Yes,sir, from Council Creve , Kansas.
Q Had you never heard of Jake? A I heard them talk of him; she said she didn't know whether she would live to see him or not.
Q Where were you in the year 1866? A Up here on Fourteen Mile creek.
Q Did you know Jack then? A No,sir
Q You never saw Jack from that time until the Lipe payment?
A No,sir.
Q You don't know of your own knowledge whether he had been down here or not? A No,sir, only what his mother said.
Q You don't know of your own knowledge though? A No,sir
Q Did he say anything about being down here before?
A No,sir. He said he never was down here; he told his mother and when he left Musgrove's place before the war to join the army and go up to Council Creve and Leavenworth and married up there.

Q Married up there? A Yes,sir, at Emporia, Kansas.

Mr. Hastings : I would like to state that that is a matter of public history that Mr. Bunkyhead was elected Chief in 1879 and Mr. Lipe was elected Treasurer in 1879, and the payment was made in 1880.

-:0:-

J. O. Beesen, being first duly sworn , states that as stenographer to the Commission to the Five Civilised Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(SIGNED) J. O. Beesen.

Subscribed and sworn to before me this October 2nd.1901.

(SIGNED) T. B. Needles'
Commissioner.

Lucy M. Bowman, being duly sworn, states that as stenographer to the Commission to the Five Civilised Tribes she made the above and foregoing copy and that the same is a full, true and correct copy of the original transcript.

Lucy M Bowman

Subscribed and sworn to before me this 27th day of September , 190

Notary Public.

(C O P Y)

Cherokee Freedmen D 914.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Frank, Clara, Sidney, Pearl and Turner Musgrove, as Cherokee Freedmen.

D E C I S I O N.

The record herein shows that on June 27th, 1901, Frank Musgrove appeared before the Commission at Newata, Indian Territory, and made personal application for the enrollment of himself, his minor sisters, Clara, Sidney and Pearl Musgrove, and his minor brother Turner Musgrove, as Cherokee Freedmen.

The evidence shows that all the applicants herein were born subsequent to January 19, 1867, and are the descendants of one, Jack Musgrove, through whom they claim the right to enrollment as Cherokee Freedmen; that Jack Musgrove was the slave of a Cherokee citizen at the commencement of the rebellion; that he was taken out of the Cherokee Nation during the rebellion and did not return thereto within the time specified in the decree of the Court of Claims, rendered on February 3, 1896, in the case of Moses Whitmire, Trustee, etc., vs. The Cherokee Nation, et al., for the return of Freedmen to said Nation. It further appears that the names of none of the applicants herein, nor of either of their parents, are found on the 1880 authenticated Cherokee roll.

It is, therefore, the opinion of this Commission that the application for the enrollment of Frank Musgrove, Clara Musgrove, Sidney Musgrove, Pearl Musgrove and Turner Musgrove as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tams Bixby
Chairman.

(Signed) T. B. Needles.
Commissioner.

(Signed) C. R. Breckinridge
Commissioner

Muskogee, Indian Territory,

this Apr 20 1904.

IN THE MATTER OF THE APPLICATION OF

Pearley Musgrove

FOR ENROLLMENT AS

CHEROKEE FREEDMEN

Original Testimony May 17. 1901

Mem Application " "

Transferred to

Cher Fr R 88

Cher Fr R 88

K 88

IN THE MATTER OF THE APPLICATION OF

Martha Williams

FOR ENROLLMENT AS

CHEROKEE FREEDMEN

Denied

May 20th 1901 Case
Committee [illegible]
[illegible]
[illegible] all
[illegible]
[illegible]

Cher Fr R 89

Cher Fr R 89

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May 9, 1901.

In the matter of the application of Aaron Webber for enrollment as a Cherokee Freedman.

Aaron Webber, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Aaron Webber.
Q How old are you? A 38 I think.
Q What is your post office address? A Tymer, Cherokee Nation.
Q What district do you live in? A Coowescoowee district.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Do you want to enroll anybody besides yourself? A Just myself.
Q Have you ever applied to be enrolled by any other tribe or nation besides the Cherokee Nation? A Yes sir, the Clifton Court and the Wallace Court.
Q The you apply to any other Nation, the Creeks? A No sir.
Q Never drew any money from any other Nation? A No sir, I didn't.
Q Have you been recognized by the Cherokee authorities as a Cherokee citizen? A Yes sir.
Q Is your name on the roll of 1880? A It is on this roll here Mr. Bledsoe has got here; I come with my brother Sam Webber.
Q Is your name on the roll of 1880? A No sir.
Q Did you ever draw your strip payment money? A Yes sir.
Q How much did you draw? A $15.50, and then I drew this other payment, this last payment, I drew it.
Q You drew the last payment? A Yes sir.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.

The Kerns-Clifton roll examined, and the applicant identified thereon, page 126, No. 315, Coowescoowee district.

Q Were you a slave before the war? A Yes sir.
Q Who did you belong to? A Takie Webber.
Q Was she a Cherokee citizen? A Yes sir.
Q Where did you go during the war? A Went to Kansas.
Q When did you come back from Kansas? A Came back in 1866.
Q You have been living here ever since? A Yes sir.
Q Are you married? A No sir.
Q Ever been married? A No sir.
Q Got no children then? A No sir, I haven't.
Q You are certain you came back in 1866? A Yes sir, I did.
Q Who did you come back with? A Sam Webber and my father.
Q Why is your name not on the roll of 1880? A Why I can't tell you about that.
Q Did you ever try to have it put on? A Yes sir.
Q They refused to do it? A Yes sir, must have, for it aint there.

MR. W. W. HASTINGS, attorney for Cherokee Nation: You say you returned with your brother Sam? A Yes sir, I did. Yes sir, I did.
Q Did you come the first time he came out here? A
Q What time of the year was it? A '66.
Q What time in the year '66? A Well you see I can't read and I can't write. I didn't keep no count of the days and the months because my owners didn't give me time to get my education.
Commissioner: Was it in the fall or summer? A It was along in [illegible] when I came back in 1866.

Mr. Hastings: Was it the March after the treaty was made? A Yes sir
Q You are certain of that? A Yes sir, I am.
Q And you came back with him at that time? A Yes sir.
Q Did he bring his family along then? A Yes sir.
Q His wife and children? A Yes sir.
Q He had already been out there and put up a house? A Yes sir.
I had come out before that and I come with him, and we put up a house and I came back with him in '66.
Q The first time you came back was in March after the treaty was made? A Yes sir, that is when we moved there.
Q How long before that was it when you came out? A I can't give the days of the months, how long it was we came out, but we came and put up a house one fall and went back and came right on down.
Q About how long did you stay out here when you had put up the building? A We stayed three or four days and then went right back and moved down.
Q What kind of buildings did you put up? A We put up a log cabin.
Q Out on Big Creek? A Yes sir.
Q How far from where Sam now lives? A Sam lives on the north side of Nowata and we live up there on Big Creek, I can't tell you exactly how many miles, but he lives at Nowata and we live up there on Big Creek.
Q What old citizen lives near where you first located, where you first located when you first moved out? A There isn't anybody lives there now.
Q Name some old citizen who lives at the place now there you located then? A Sam Webber.
Q Does Sam Webber live at that place now? A He did live there but he don't live there now.
Q Who lives at the place Sam and you came to? A The Heins and Whitmires and Sanders, and a whole lot of them.
Q You have lived there ever since? A Yes sir.
Q You came out in wagons the first time? A Yes sir, because Sam Webber drove the ox wagon and I drove the horse wagon.
Q Do you know anything about dates? A I know when they say the year is out, and this year is in.
Q What year is this? A If I am not mistaken I think this is Nov.
Q The year though? A I can't tell you exactly what year it is because I am not educated like you smart men.
Q You are satisfied in '66 you came here in March? A Yes sir.
Commissioner: Do you know when the treaty was adopted, know what month it was adopted in, the treaty; you told Mr. Hastings you came here the March after the treaty was adopted; you don't know what month in 1866 the treaty was adopted? A No sir, I don't.
Q Have you got any witnesses? A Yes sir, Sam Webber and Abe Mars.

Sam Webber, being duly sworn and examined by Commissioner Needles, testified as follows:
Q What is your name? A Sam Webber.
Q What is your age? A About 58, somewheres nearabouts that.
Q What is your post office address? A Nowata.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q Your name on the 1880 roll? A Yes sir.
Q Do you know Aaron Webber? A Yes sir.
Q Is he any relation to you? A He is my brother.

Q Was he a slave? A Yes sir.
Q To whom did he belong? A Jackie Webber.
Q Was she a Cherokee citizen? A Yes sir.
Q By blood? A Yes sir
Q Where was he during the war? A He was with us in Kansas.
Q When did he come back? A He came with us when we came back in July.
Q You came in July from Kansas and he came with you? A Yes sir.
Q What year was that in? A In 1866.
Q He was a slave the same as you? A Yes sir, same as me, with the same owners.
Q Ought to be entitled to the same rights you have got? A Yes sir, have just the same right, belonged to the same parties too.
Mr. Hastings: Q What time of the year was it you say you brought him back? A We came in July and built houses and went back and moved down
Q You had heard of the treaty passed? A We came right in the same month the treaty was made in because we overtook the delegates at Fort Scott.
Q You had heard of the treaty before you left there? A As soon as we arrived at Fort Scott and talked to them, and they told us they had made a good treaty.
Q And you came on down and he came with you? A Yes sir.
Q Did you bring your families at that time? A I didn't have any family then.
Q The rest of the people, they come along? A Yes sir, I was small myself, I was with father, we came and built and went and moved some of them after that.
Q How long did you stay down there at this time? A I didn't stay long, I couldn't tell you just how long we really stayed, we didn't stay only long enough to find claims and cut logs and build shanties.
Q Who lives up there at the place that you located, how? A Reuben Sanders lives right where I built my house, he is living there to-day
Mr. Bell: Where did you start from when you started from Kansas down to Big Creek? A Started from a little creek six miles south of Mound, said to be about twenty miles north of Fort Scott.
Q Had you started to the Cherokee Nation when you came across those delegates at Fort Scott? A Yes sir.
Q What was your notion about starting? A I had been down here and looked through the country and went back and told them the war was over here as well as everywhere else, and let's come home.
Q You hadn't started then with a view to saving your rights here under the treaty? A We didn't know nothing about the treaty, it wasn't made when we started as we knowed of, until we got to Fort Scott and we saw the delegates.
Q What time was that? A Along in the last part of July, the last week in July, as near as I can remember.
Commissioner: When Aaron says he came in March he is mistaken? A He is mistaken. he don't know dates; he is not bright enough to know dates.

Abraham Hare, being duly sworn and examined by Commissioner Needles, testified as follows:
Q What is your name? A Abraham Hare.
Q How old are you? A About 70.
Q What is your post office? A Wyner.
Q Are you a Cherokee Freedman? A Yes sir, claim to be.

Q Your name is not on the roll of 1880, is it? A No sir.
Q Were you a slave? A Yes sir.
Q What was your owner's name? A Arlie Hare.
Q Do you know Aaron Webber? A Yes sir.
Q Was he a slave? A Yes sir.
Q To whom did he belong? A Takie Webber.
Q Well, did you know Aaron Webber before the war? A Yes sir.
Q Did he go out of the Cherokee Nation during the war? A Yes sir.
Q Did you go out? A Yes sir.
Q What made you colored people go out during the war? A We couldn't stay here.
Q Thought it was safer to go out? A Yes sir, I had to go out.
Q Why couldn't you stay here? A They wouldn't let us.
Q Who wouldn't let you? A The Rebels and the Yankees neither one.
Q Where was Aaron Webber during the war? A He was with his father up in Kansas.
Q When did he come back? A He come back in the fall of '65.
Q How do you know? A I come with him.
Q And you came at that time? A Yes sir.
Q Have you known Aaron Webber since that time? A Yes sir.
Q Has he always lived in the Cherokee Nation? A Yes sir, lives right by me now.
Q Your rights are disputed? A Yes sir, same as his.
Mr. Hastings: You were in here this morning; your case was presented?
A Yes sir.

Commissioner: Aaron Webber applies for the enrollment of himself as a Cherokee Freedman. His name does not appear upon the authenticated roll of 1880, but does appear upon the Norris-Clifton pay-roll. By reason of the protest of the Cherokee Nation the name of Aaron Webber will be placed upon a doubtful card awaiting further consideration of the Commission.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones,

Sworn to and subscribed before me this the 10th day of May, 1901.

C. R. Breckinridge,

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October 28th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Joe Ross, C. F. D. 550.

Appearances:
W. W. Hastings for the Cherokee Nation.
Mallette & Smith for the applicants.

DOUGLAS WALKER, being first duly sworn by Commissioner C. H. Breckinridge, testified as follows for the Cherokee Nation:
(By the Commission)
Q Give me your full name. A Douglas Walker.
Q How old are you? A 50.
Q What is your post office? A Mound City, Kansas.
(By W. W. Hastings)
Q How long have you lived in Mound City, Kansas? A Since May 1857.
Q What was your father's name? A James Walker.
Q What was your mother's name? A Miara Walker.
Q Was your father and mother here the first of the month? A Yes sir
Q They testified in the matter at that time did they? A Yes sir.
Q Do you know Samuel Webber? A Yes sir.
Q Did you know his son Samuel Webber? A Yes sir.
Q Where did you know them? A Near Mound City, Kansas, in the neighborhood where I live.
Q Do you know the applicant here, Joe Ross? A I know him as Joe Webber.
Q Is the the same fellow? (pointing) A Yes sir.
Q Where was he living at the time? A He lived with the older Sam Webber at the time.
Q You know this applicant here is the same party? A Yes sir.
Q Did you know a woman named Chlora? A Yes sir.
Q What relation was she to Joe Ross? A Sister.
Q Did you know Aaron Webber a little duck legged fellow? A Yes sir
Q Where did you know him? A In the same family in Mound City, Kansas, Linn County.
Q Whose farm did Samuel Webber live on, if you know? A He lived on a farm that belonged to a man named Jeff Flemmings.
Q I mean in the year 1866? A My father bought the farm.
Q Of whom did he purchase the farm? A Of Flemmings.
Q Do you know where young Sam Webber was married? A He was married there in Linn County, near Mound City, in the neighborhood there, where I was living.
Q Did he marry before or after he moved from that country? A Before he moved.
Q Mr. Walker, have you looked up the date of whom your father purchased that farm? A Yes sir.
Q The date of the deed? A Yes sir.
Q What was that date? A The date of the deed is October '66.
(By Mr. Smith) Object to that if you have not the deed.
(By Mr. Hastings) Have you looked up the date? A Yes sir, but have forgotten the exact date as to days.
Q At that time, where was Sam Webber living? A On this farm that father purchased.
Q Where was young Sam living at the time he married? A On this farm, on the same place.

Q What is your best judgment as to the time Sam Webber, including Joe Ross, Chlora Grayson and Aaron Webber left that country with their women folks and come to this country? A According to my best recollection it was the latter part of February or early in March of '67, I can't state exactly the month; early in the spring of '67 though.
Q Did they all move down at the same time? A All started together
Q Left there together? A Yes sir.
(By Mr. Smith)
Q You say you know that this applicant in this case is the same man that you knew at that time in Kansas as Joe Webber? A Yes sir.
Q How did you know it? A I recognized his countenance as one man knows another.
Q How? A Well I saw him.
Q When? A Today.
Q Where? A On the street.
Q And you knew him as Joe Webber? A Yes sir, the name Joe Ross was not used much.
Q When did you first become acquainted with old man Sam Webber?
A In '63 he moved on that farm.
Q Which farm? A The farm my father bought in the neighborhood where I lived, the old Flemming farm.
Q When did your father buy that farm? A In the fall of '66, I have forgotten the exact day; in October or September.
Q Who owned the farm at the time old man Sam Webber was on it?
A Jeff Flemming owned it until my father bought it.
Q How do you know it was '63 that you became acquainted with Sam Webber? A I remember that it was during the last years of the war and the refugees were coming into Kansas, both white and black, in '63 and they were amongst them.
Q Did any come after '63? A Yes sir, some came later and some come earlier, and I remember again by this farm, I remember how long they farmed it before we got it.
Q How long? A Three years, four years in the spring of '67.
Q They farmed it four years before your father got it? A They farmed from '63 to '67.
Q You say the reason you knew that you knew this man in '63 was because you know how long they worked this farm before your father got it? A Yes sir.
Q You say it was in September of 1867 that your father bought that farm? A In '66.
Q You are positive about that? A Yes sir, we got possession the first of March '67.
Q Did old man Sam Webber rent this place from your father? A No sir, he rented it from Flemmings.
Q Did Sam Webber, the old man and the boys, come down here or leave that country in the fall of '65? A I think not.
Q Dont you remember that they did and that the old man came back by himself one time? A If my memory serves me, it was in '66, late in the summer, or early in the fall of '66.
Q What was in the fall of '66? A That they came down here-started away from there.
Q Who were they? A Sam Webber, the old man, and young Sam and Aaron.
Q What is your recollection as to how long they staid? A They came back I think in November or late in October.

Q Well which came back first? A Why I think the older Sam Webber came first.
Q How long do you think it was before you saw Sam Webber Jr. again?
A Well, it was a short time, a month or so -- I can't recollect that, it is a good while ago.
Q Who helped Sam Webber make a crop in '66? A Johnson Webber and the old man Sam made a crop in '66.
Q Who helped him? A Them two and the little boys I think worked too; Aaron did, I don't know but as Joe did too, I don't remember much about that.
Q There was old man Sam Webber in July 1866? A That summer he raised that crop and worked part of the summer for my father on this farm.
Q Is it not a fact that in July of 1866 that Sam Webber Jr. came here for his father and that they left there for this country to build some houses? A That is not the way I remember it.
Q You have stated that it was a long time ago, do you think that you remember the dates absolutely? A Not to the day or month exactly, but that is my best recollection.
Q Are you testifying to the best of your recollection? A Yes sir.
Q Do you remember of Sam Webber Jr. bringing any hides to this country? A Yes sir.
Q When was that? A In the fall or beginning of the winter of '66 and '67 he brought some hides and furs.
Q To refresh your memory, was it not in March? A March when?
Q '66? A No sir.
Q Upon what trip was that that he brought those hides? A He left and said he was coming down on a hunting trip.
Q Was that the trip when he left Kansas and when old Sam returned first that you spoke of a while ago? A Yes sir, that was the one, the same trip.
Q Do you remember of Sam Webber selling out a crop up here? A I don't.
Q Do you remember of them leaving there to come to the Territory to build some houses? A Yes sir.
Q Was that after the time that he brought the hides there? A It was that trip that he left there for the purpose of building some houses that he brought the hides when he returned.
Q Don't you remember of them leaving there to come to the Territory for the purpose of building houses? A Well that was either in the spring or winter, in the latter part of February or early in March. I have not given the matter any considerable study.
Q How do you fix the dates you have given? A I remember them and then by the dates I have looked up.
Q What dates have you looked up? A The purchasing of this land.
Q Are you testifying from the date of the purchase of that land?
A Father bought the place in the spring of '66 on condition and paid $80 down, or traded cattle, as a forfeit, and in the fall he got some money and got full possession of the place; Webber had possession until the first of March, that is the Kansas law, from the first of March one year until the first of March the next year; they had possession of it until March first 1867.
Q Mr. Walker, when you had occasion to investigate this matter, you had forgotten all about it practically, hadn't you? A No sir, but it was something I had not thought much of.
Q You couldn't have told on the moment that year Sam Webber left there could you? A I would have had to look at the dates.

Q Then you are not testifying from your recollection, but from the dates that you have looked up since? A Part of it is from recollection and part of it is from looking up the dates.
Q How long has it been since you thought of the time Sam Mayes left that country before you made this investigation? A I was asked the question as to when they moved and I hadn't given the matter any thought till then.
Q You didn't know then did you? A Yes sir after I thought it over.
Q How long did it take you to think it over? A I don't exactly remember.
Q Can't you give us some idea of it? A 2 or 3 weeks.
Q Were you here when your father testified in this case?
A Yes sir.
Q Did you know as much about it then as you do now? A No sir.
Q How long was that from the time you had first been spoken to about the date? A I had not expected then to give testimony in this case and had not thought much about it.
Q What were you doing here then? A I was subpoenaed in another case.
Q You had been talking about this case then? A Not much.
Q How much? A A word or two.
Q And you were here all the time your father and mother were here and yet didn't testify in this case? A Yes sir.
Q You went back to Kansas? A Yes sir.
Q And came back here again to testify? A Yes sir.
(By Hastings)
Q You were subpoenaed by the Cherokee Nation? A Yes sir.
(Continued by Stenographer J. O. Rosson)

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Tribes, he reported in full the above cause and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Chas. von Weise.

Subscribed and sworn to before me this the 9th of November, 1901.

C. R. Breckinridge.

Commissioner.

Joe Ross (sup'l) 5 (Continued from Steno. Chas. von Weise.

Before Commissioner Breckinridge, at Tahlequah, I.T. Supplemental C.F. D-350, Joe Ross.

(By Stenographer: This following testimony was originally taken down by stenographer J. O. Rosson, and afterwards dictated by him to stenographer M. D. Green).

HENRY C. SHORT, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give your full name? A Henry C. Short.
Q How old are you, Mr. Short? A 48.
Q What is your post-office? A Mound City.
Q In the Cherokee Nation? A In Kansas.
BY MR. HASTINGS:
Q How long, Mr. Short, have you lived in and about Mound City, Kansas? A Well ever since the spring of 1857.
Q What was your father's name? A John Short.
Q Were you living there in the years '66 and '67? A Yes sir.
Q Were you living in town or in the country? A Living in the country.
Q Do you know Douglass Walker that left the stand? A Yes sir.
Q Did you know a colored man by the name of Sam Webber up there? A Yes sir.
Q Do you know that young Sam Webber, his son? A Yes sir.
Q Do you know Joe Ross? A Yes sir.
Q This is the man there? (Pointing to the applicant) A I wouldn't have known him unless he had been pointed out to me. They always called him Joe; I don't remember about him being called Joe Ross up there.
Q Have you talked to him? A Just spoke to him.
Q Did he recognize you as being the man? A He recognized me as being Short by telling him who I was and where I was from; he claimed that he was one of the boys.
Q Do you know Aaron Webber, a little duck legged fellow? A Yes sir.
Q Where did you live in the spring of '66. A In Linn County, on Milk Creek, in Kansas.
Q Did you live on the same place in the fall of '66? A Yes sir.
Q Did you live in the same house? A I live in the same house now that I moved into in the fall of '66.
Q Well now what time in the fall did you move into it? A Well now it was the last of October or the first of November, I wont say which; along about in them times I moved, that is, my folks moved; of course I was small, I moved there after that from the west part of the place to the east part of the place.
Q Do you know where Sam Webber was at that time? A They lived then at that time in the fall of '66 they lived on the place known as the Fleming place, adjoining farm of ours.
Q Were they living there when you moved? A That fall?
Q Yes sir? A They were living there then.
Q I will ask you what is your best judgment as to the time they moved with their families and left that country? A Well I could not say just now, for I have got nothing to fix them dates. The best of my judgment they left there in February.

Q February not of what year? A Of '67, I would say that, but no I ain't certain, I ain't got no opinion about what time they left.

MR. SMITH: Now I move to strike out the testimony to that effect, because the witness say that is his opinion.

Commission: We will take it for what it is worth and let the Commission pass on it.

BY MR. MASTINGS:

Q That is your best judgment? A Yes sir.

Q That is your best recollection? A (No response).

Q You said I believe you knew they were there in the fall? A Yes sir, that is all I can state positively, I don't know how long they were there.

Q You know that by your move? A Yes sir, that is one thing I have got to know.

Q Do you know Joe's sister, Chlora? A Yes sir, there was a girl there called Chlora? I supposed was Joe's sister.

BY MR. SMITH:

Q Mr. Short, how old were you in '66? A About 13 years old, September 6, 1866.

Q Now when you were first asked as to the time when Sam Webber left what country? A When was I asked first?

Q Yes? A I think it was last Sunday.

Q Well you didn't know, did you? A No, I don't know yet what day he left there at al.

Q Did you have that opinion then? A Yes, I have the same opinion I got now; it was the best of my opinion they left in the spring; I got nothing to say they did or did not.

Q Where was Sam Webber, Jr., in February 1866? A I don't know.

Q Where was he in October, 1865? A He was on the Creek.

Q Did you see him? A Yes, he was there; he hadn't moved; he come down here and went back again in the fall; and the whole family was all there in the fall.

Q That was in the fall of 1865 was it? A Fal of 1866.

Q I am talking about 1865? A Well they was there too.

Q Did you see him? A Yes, of course they was there.

Q Of course; well now do you know, did you see him? A Yes, I saw him.

Q Where did you see Sam Webber in the fall of 1865? A Oh I don't know; he worked here for us.

Q Did he work for you in the fall of 1865? A Worked for my grandfather some.

Q That young Sam Webber? A Yes sir.

Q You say you knew young Sam Webber, the younger one of the two? A Yes sir, I knowed young Sam and old Sam too.

Q Did you know young Sam Webber, called Sam Webber, Jr.? A Yes sir, of course it has been a long time from the time I saw him, from the time he left there until I come down here; saw him the first time as soon as I moved there.

Q What did you say about him being a boy? A I suppose he was a young man, I couldn't say as to that.

Q What about Joe Fox, was he a boy? A Yes sir, Joe was younger than me if I am not mistaken. There's much difference in the ages, but I think he was younger than me.

Q Now is it not a fact that Sam Webber and his father old Sam Webber and Aaron Webber came to the Cherokee Nation in the fall of 1865? A I think not, I don't think they did; they was there in 1866, but they was going and coming all the time; they come down in 1866 and located.

Q They were in 1866 and located? A Yes sir, but they come back and get their family.
Q Now you know only that they were there in 1865? A I know they were there in 1866.
Q You don't know what time in '65 they were there? A They were there before '65.
Q Well I am talking about '65; were they there in the spring of '65? A I couldn't say what time of the year; I think they were there all the time.
Q You don't know whether they were there all the time in 1865 or not? A No sir, I couldn't say that they was.
Q Do you remember Sam Webber Sr. and Sam Webber Jr. and Aaron Webber coming down to the Cherokee Nation at any time? A They come down in the summer of '66 I think, directly after crops was made; they come down here and they went back together back up there in the fall.
Q Well did they ever come back together? A I don't know whether they did or not; Aaron didn't come down, I don't think.
Q What about Sam Jr., did he come down with his father? A Yes sir, I don't know whether Aaron come back or not; I know Sam and the old man came back and got the family.
Q Do you know that they came back together? A Yes, I am pretty sure that they came back, I know I saw them there afterwards.
Q Do you remember of Sam Webber, Jr. ever bringing any hides into the country? A No sir, I don't remember; I remember Sam telling me he had his cabin up.
Q When did he tell you he had his cabin up? A In the fal of '66.
Q He had been down here in the fall of 1866 and had built a cabin?
A Yes sir, and I think he told me he had his cabin built.
Q And now that final move when they took all the people out you think was in what time? A I don't know, but it runs in my mind as February or March; I wont say anything about that.
Q What year? A '67.
Q You say you wont say anything about that? A I don't know whether it was or was not.
Q You don't know whether it was or was not? A No sir, that is a fact; but it runs in my mind it was.
Q Where was Sam Webber during the winter of 1865 and '66, the winter that commences with December, 1865, and ends with February 1866?
A I think he was there.
Q Well did you see him there? A Yes, I think he was there pretty much all the time.
Q Well do you know it? A I go no way to fix it; that's my opinion he was there.
Q You can't state it positively that he was or was not? A I know most of them was there and I believe he was too.
Q You can't state positively? A No sir, not unless I got something to fix the date.
Q You wont say that? A No sir.
Q How can you remember about Sam Webber coming up there in the spring of 1866 and bringing some beef hides? A No sir, I can't remember; of course them dates is a long time ago; how I have got these things fixed in my ~~mind~~ head that was in the fal of '66 I was moving from one farm to the other, and that was in the fall.
Q You didn't go off of that farm? A No sir, just moved from the west to the east side.
Q And you were a boy about 15 years old? A Yes sir.

Q What is there in that to fix the date in your mind that it was in 1866 any more than 1865 you moved? A I know we moved from the things that occurred; the death in the family of a young man that was there; I knew it was '66.
Q How about that now; about the deaths in the family? A There was a young man died in the family in '69, 3 years after we moved there it must have been from the things that he did when we moved from one house, but he didn't move in his house at all.
Q You don't seem to be positive about any of these dates you give?
A Why I do, when the family moved over, remember that fact.
Q I mean about Webber's movements? A They was all there in the fall of '66; they was all there in October or November one of the two months, because we movedthem.

BY MR. HASTINGS:

Q Now you never missed them up there in 1865 did you? A No sir.

MR. SMITH: I object to that; it is not competent whether he missed them or not.

Q Did you ever miss them up until the summer of 1866? A No sir, I have no recollection of them leaving there until that.
Q That is your first recollection of them leaving? A Yes sir.

MARY A. HICKS, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your name, Madam? A Mary A. Hicks is the way I sign my name.
Q How old are you? A If I live to the 21st of next month I will be 67 years old.
Q What is your post-office? A Hantey.
Q Is that in Kansas? A Yes sir.

BY MR. HASTINGS:

Q How far do you live from Mound City, Kansas, Mrs. Hicks?
A I live six miles.
Q How long have you lived in that neighborhood? A Ever since the spring of 1857.
Q You were living there then after the war? A Living there in the time of the war.
Q Do you know Mr. Walker, Douglass Walker, that has been on the stand? A Yes sir.
Q Do you know Mr. Short that left the stand here? A Yes sir.
Q Mrs. Hicks, did you know of a man up there by the name of Sam Webber? A Yes sir.
Q How far did you live from him just after the war? A Well I think it was about 175 steps; they used water out of my well.
Q Did you know his son, young Sam Webber? A Yes sir.
Q Well did you know a little short one called Aaron Webber?
A Yes sir.
Q Did you know a boy called Joe Ross? A Yes sir.
Q Have you seen any of these parties since you have been here this time? A Why I met Joe Ross down there; he said he knew me and come up and shook hands with me and I saw Sam Webber.
Q I will ask you to look if this is the same parties now? A Well I tell you Ross don't favor himself so much, but Joe he is just like his father and I knowed him because he is just like his father; well old Uncle Sam was older than Sam is of course.
Q I will ask you if you had any deaths in your own family in the fall of '66? A Yes sir.
Q What was the date of it? A The date of the death?

Q Yes, madam? A Well it was October.
Q Did you make any record of it in your Bible? A Yes sir.
Q Is this your Bible? A I reckon it is; if you will let me look I will tell you.
Q Look at it and see if this is your Bible? A I think it is, but I can't read it, I haven't got my specs.
Q You haven't got your specs? A No sir.
Q Well on the family record here of births and deaths appear this: "Franklin Hicks, was born November 7, 1864." A Yes sir.
Q And under the column of deaths appears: "Died October 25, 1866." A That is correct.
Q Who was Franklin Hicks? A He was my son.
Q Do you know where Sam Webber was when your son Franklin died? A No sir, I could not tell you.
Q Don't know? A No I don't; you mean this Sam?
Q That man? A Oh, the old gentleman; he lived up there by me I think; I am most positively he lived there then.
Q Do you know where his wife was? A His wife died there.
Q Well do you know whether she was dead at the date of your son's death? A Yes sir, she died I think before he died; there was an old lady, they called her old aunt Rhoda, living.
Q She was living? A Yes sir.
Q Was she a member of this family? A Yes sir, she lived there with them.
Q Well do you know whether she was there during the sickness of your child? A Yes sir, she sat up with me several times, and if it was a bad night and she saw no one come in she would come and set up with me.
Q Did you know a sister of Joe's called Chlora? A Yes sir.
Q Now I would like to have your best judgment, Mrs. Hicks as to the time old Sam Webber moved with his family and children from that country. A -

MR. SMITH: The applicant objects to the witness giving her opinion as to the time when this sickness took place, because it is not the subject of their expert or opinion evidence.
COMMISSION: I understand the question to be her best recollection.

A It has been a long time, you know.
Q Well, answer the question? A About him being there?
Q I want to know, the question is, What is your best recollection as to the time Sam Webber and his family, when he left Kansas with his family.

OBJECTED to by applicant.

A Well my best recollection was that, I would not be positive, of course, but I think it was in February or March, one or the other. The best of my recollection, because the old lady, old aunt Rhoda and uncle Cy, that was her husband, they both was old and feeble and I think old uncle Sam stayed there on that account more than anything as long as he did.
Q Well now that would be February of what year? A It would be '67 wouldn't it?
Q You lived then about 175 yards of them? A Yes sir, I could hear them sing over there and hear them laugh and talk to my house.
Q On whose place were they living? A Well they was living on Mr. Walker's place then.
Q He had recently purchased it? A Yes sir.
Q Do you remember who he purchased it of? A I think it was a man by the name of Fleming; I think it was Flemings owned it.

MRS. HICKS:

Q About how long, Mrs. Hicks, had Mr. Walker owned this place at the time these people lived there?
A Well I couldn't answer that question.
Q Well you could tell whether it had been a few months or whether it had been a year or two?
A It was, I suppose, it may be quite a while; I couldn't tell you.
Q You remember that Mr. Walker owned a place there? A Of course I knowed he had charge of the land; I think Mr. Walker bought it from Mr. Fleming if I aint mistaken.
Q And you know these Webbers were living on the Walker place?
A Yes sir.
Q Well now what is your best recollection as to how long Mr. Walker had owned that place? A I don't know; I wont pretend to say anything I dont know; I don't want to meddle with, I didn't come down here to criticise or anything about it; I want to tell the truth as far as I know.
Q There was young Sam Webber in December, 1865, and up until January or February of 1866? A I could not tell you where he was. I think Sam worked out some around; I couldn't tell you whether he was at home all the time or not; I could not tell you.
Q Where was young Sam Webber at the time your child died?
A I couldn't tell you that; This one?
Q Yes? A I don't know.
Q He was not there was he?
A I don't know, I couldn't say as to that.
Q Do you remember old man Sam Webber and young Sam Webber and Andy Webber and others leaving; Aaron Webber and others leaving that community in 1866 and coming down to the Cherokee Nation? A I recollect only Sam coming down here, I don't know, I wont be positive, I guess though it was in '66.
Q Well about how long was it ago, your best recollection, before this date in the fall that you have spoken of? A I don't know.
Q Don't know? A No I don't; but I recollect about it, he brought me back spice wood and sassafras root.
Q Do you remember young Sam bringing some hides into the community?
A No sir, I didn't change my mind with anything like that.
Q Well now give me some idea Mrs. Hicks, about the time old man Sam Webber started off on this trip to the Cherokee Nation in 1866 that you testified about?
A Why I don't know; he come in the fall I reckon.
Q You don't know whether it was fall, summer or spring?
A No sir, I don't.
Q Well how is it you have no better recollection of this very time that you mention he came than you have of the first time?
A I know he was there when that child of mine died.
Q And you don't know how long after that? A No, they went along the latter part of the winter, but I don't know what time; I think though it was in February or March.
Q You couldn't be positive whether it was February or after Christmas, could you?
A I don't think it was before Christmas.
Q You don't think that was? A No, I can't, for several facts.
Q You can't state positively whether it was before or after Christmas, you can't answer it? A I wouldn't want to swear it either way.

Q Where did you move from to this place that you live? A Where did I move from?
Q How long have you been living at this place now where you lived when your child died? A I have been living on the place ever since the spring of '57.
Q About how long did you remain on the place? A I stay there yet, when I am at home; my husband is dead.
Q Do you know how many trips Sam Webber made to the Cherokee Nation before this time that he came away from there the last time?
A No sir, I don't.
Q Do you know of his coming one time? A I know him and his father and I think Aaron, and I don't know whether Joe was along or not.
Q Well is this Joe? A Well of course, oh that one, Joe Webber, that one sitting there?
Q Yes? A I think it is.
Q Which one of them don't look familiar? A That one, he was nothing but a boy when I knew him.
Q Which one, the one right here, the black one? A Yes sir.
Q What is his name? A Joe, we always called him.
Q And what is this man right here? A Sam, that is the way we always called him.
Q You think that is the man you knew up there in Kansas? A This Joe? I don't know, he says it is; he was nothing but a boy when I saw him.
Q You don't recognize him then? A Hardly, I wouldn't know; he says he is the man; I used to think he was a very good boy when they lived there; but then he has crowed out of my knowledge.
Q You don't know where old man Sam Webber was in July '66 do you?
A No sir.
Q You remember anything about young Sam Webber coming for the old man and the family in July 1866. Well he might have come after them but they didn't come down here in July.
Q You don't know when they did come? A Why I think they come come time in the latter part of the winter, but I say I would not be certain what month it was, in February or March.
Q You wont be certain it was either of them? A I say they left, I was there and saw them start.
Q You would be certain it was either February or March? A I think they did.
Q You think so? A Yes sir.

BY MR. HASTINGS:

Q I was going to ask you if you knew about young Sam Webber marrying? A They said he was married; I didn't see it done.
Q Did you hear of his marrying up there? A Yes sir.
Q Was that before or afer he left? A It was before they left.

JANE SPEARS, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Jane Spears.
Q How old are you? A I am 46 years old.
Q What is your post-office? A Mound City.
Q In the State of Kansas? A Yes sir, Mound City , Kansas.

BY MR. HASTINGS:

Q Mrs. Spears, was Mrs. Hicks who left the stand your mother?
A Yes sir.
Q How long have you lived in and about Mound City, Kansas, I mean in the neighborhood? A Well I came there when I was about a year old.

Q And you have lived there ever since? A Yes sir, well since I have been married I have just moved one mile north.
Q You moved a mile north of your mother? A Yes sir.
Q Do you know Douglass Walker? A Yes sir.
Q Do you know Henry C. Short? A Yes sir.
Q Do you remember at an early date just after the war some colored people that lived up there; one of them by the name of Sam Webber?
A Yes sir.
Q Do you remember his son Sam? A Yes sir, I know him.
Q Were you living with your mother at that time? A Yes sir.
Q Did you know Joe, that was living with them, Joe Ross? A Yes sir
Q Have you seen any of these parties since you have been here this time? A I met them today.
Q Talked with them some? A Well I just spoke to Joe; Sam I did not. Q Did he recognize you? A Well he let on as though he did; I dont know that he did; I suppose he heard we were here.
Q I will ask you if this is your mother's family Bible? A Yes sir
Q That is the family record of the births and deaths? A Yes sir.
Q I will ask you if you had a brother by the name of Franklin Hicks?
A Yes sir.
Q Do you remember the date of his death? A Yes sir, October 26, 1866.
Q I will ask if you know where the Webber family was living at the time he died? A Yes sir, they were living there.
Q About how far from your mother's? A About 175 steps, I suppose, in a cabin.
Q Short distance? A Yes sir.
Q Did you know Aaron Webber, a little short legged duck legged fellow? A Yes sir.
Q I would like to know from you Mrs. Spears your best recollection as to the time old man Sam Webber left that country permanently with his family? A -

BY MR. SMITH: The counsel for the applicant objects to that question, because it is incompetent and calls for the opinion of the witness.

COMMISSION: The counsel for the applicant has put a number of questions in the same form and asked as to their best recollection that exists; it is entirely competent to give the best recollection and belief in regard to the facts.

A My best recollection is that it was in the spring of '67, either February or March.
Q Did you know whether or not young Sam Webber married up there?
A Yes sir.
Q Did you know whether that was before or afer they left there?
A That was before they left there.

BY MR. SMITH:

Q Mrs. Spears, did you know of Sam Webber, Sr., leaving that country and coming to the Cherokee Nation, or leaving that country for the Cherokee Nation before the time you mention? A He came in the fall I think, or summer some time and got a claim I think.
Q Fall of what year? A '66, and then came back.
Q How do you remember young Sam Webber's coming back with reference to the time Sam Webber Sr. came, who came first when they returned from this trip looking for claims you speak of? A They came together.
Q You are sure of that? A Yes sir.
Q Where was Aaron Webber, did he come back with them? A I don't remember very much about him.

Q You don't remember whether he did or not? A No, I won't be positive whether he came with them or not, when they came after their claims.
Q Do you know when the older Sam Webber made the first trip to the Cherokee Nation after the war? A Well it was in the fall of '66 I guess, about that time, either summer or fall.
Q Either summer or fall? A Yes sir, some time along in the summer or fall.
Q Might not it have been the late spring? A No, it was not, because he made his crop there and then came afterwards.
Q Made his crop in '66? A '66.
Q What did he do with that crop? A I suppose he put it up here, disposed of it.
Q Do you know whether he sold it or not? A No, I don't know whether he sold it or not, I think they fed it to their stock before they left.
Q Where was Sam Webber Jr. in December 1865? A I don't know where he was at.
Q Where was he in January and February of '66? A January or February of '66, I can't say.
Q Where was he in July of '66? A I don't know where.
Q Do you have any recollection of Sam Webber Jr. coming there after his father in July '66? A No sir.
Q Do you have any recollection of Sam Webber coming there at any time with any hides, beef hides or any kind of hides? A No sir.
Q Where was the old man Webber living in the year of 1865? A He was living there close to my mother's farm I speak of.
Q In 175 steps of you? A Yes sir.
Q And you don't remember of his coming there at any time off of a trip except the time he came back with his father? A He went to Fort Scott I guess, I never tried to keep any trace of his whereabouts.
Q Now what makes you think it was in February or March '67 that these people left there? A Well I have all reasons to believe that circumstances about it; well the old darkey had a cane patch and the darkey boys trapped on the land that winter.
Q Who did? A These darkey boys, the Webber boys.
Q Did what? A Trapped for the game that winter on the patch of cane there we had left the seed on the corn.
Q That was the winter that commence in December and ends in February, December, '66 and February of '67? A It was all in that winter of course.
Q Well the winter is pretty well over by the last day of January isn't it? A Not always it aint.
Q Well, the bigger part of it; two months is gone, isn't it? A No sir, not in our country.
Q How many months do you have in the winter there? A Some winters we have pretty hard and some winters we don't have much.
Q So that as a matter of fact the fact that they trapped there on your place during the winter would not of itself lead you to believe that they didn't leave there until February or March? A Well, it was along toward spring they left; that is the best of my knowledge.
Q Now in what way do you fix the date, you speak of your people there, is that the way you fix the date, by that? A No sir, I fix it by memory, of course that is the way by the people, of this child's death; they were there then; that is, the family were, I don't remember so much about the men; there was an old lady that moved down here with the men that sat up with my brother in his sickness.

Q Do you remember Sam Webber bringing you any sassafras and spice switch up there? A Yes sir.
Q When was that? A That was the first time they came down.
Q When was it? A That was in '66.
Q What month? A I don't know.
Q Can you state within two months of the time? A No, I don't know as I could.
Q Can you remember that as well as you could the other time? A (No response)
Q You know that they were gone from there before the spring of '67, and it must have been in '66 they brought the sassafras?
A Yes sir.
Q What was it, sassafras roots? A Yes sir.
Q That must have been in the spring? A I don't know.
Q Well they don't make sassafras in the fall? A We used it for tea.
Q It was not in the spring at all Sam Webber brought the sassafras?
A No sir; it was not; he didn't bring it at all; the old gentleman brought it. Q Well now as a matter of fact do you remember any one of these people being there at the time your brother was sick and died except the old woman Rhoda? A Well this family was there on the place; I don't remember them being there.
Q Well if they were you tell me who you saw except Rhoda the old woman? A Well I don't know as I remember? There was Johnson's wife, of course I don't just remember who was there, I was just a child then; there was a great many of the neighbors in, but I remember the old lady sitting up with my brother at the time he was sick.
Q Now isn't it a fact that the old lady Rhoda is the only one you remember being there at the time? A No sir.
Q Now who else was there? A Chlora was there.
Q Well now name some other one, all you know that was there? A I don't know, I don't remember them, there was hardly any day but what they was there, some of them.
Q Well now what I want to know, who was there except this woman, Rhoda? A I don't know anything about that.
Q You don't know? A No sir.
Q How many trips did the Webbers make down here to this country, do you know? A They came once and got claims and came back and went again.
Q All you know of? A Yes sir.
Q If they made others you don't know it? A No sir, I don't know anything about any more trips they made.
Q Now when was this entry in this Bible, the date of your brother's death, made, was that made at the time? A Just when he died.
Q Yes? A I don't know as it was, I suppose about the time.
Q Well about when, do you know who wrote that? A I know who wrote that?
Q That is what I am talking about? A This was drawn off from another Bible.
Q You don't think that this entry, "Lizzie Bell Lewis, born September 1st, 1868," is in the same handwriting that this is do you?
A No sir.
Q You don't know that this is in the same handwriting? A No sir, it is not.
Q Now who wrote that date, October 23, 1866? A Park Nichols.
Q Well now can you tell me how nearly at the time of your brother's death that entry was made? A No sir, I could not.

MR MR. HASTINGS:

Q How long has this Bible been in your mother's possession?
A I can't tell.
Q Has this entry been in here a long time to your knowledge?
A Yes sir, it has been several years.

Q It was in there long before any investigation came up wasn't it?
A Yes sir.
BY MR. SMITH:
Q Didn't Sam Webber and his father come down here in '65?
A If they did I never missed them from home.
Q If they came here you didn't miss them? A No sir.

MARY A. HICKS, re-called for additional cross examination.
BY MR. SMITH:
Q Mrs. Hicks, when was the entry upon this Bible you have with reference to the date of the death of your child made with reference to his death? A Well I don't just remember when it was; it was not long.
Q Was it put there at or about the time he died? A Why it was not long after he died.
Q Well give us your best judgment as to how long? A Well he died this fall and I don't know just how long it was.
Q Well was it as much as a month? A I wont say sir.
Q You can give some idea? A Well I tell you now, I wonts y anything when I don't know anything.
Q I thought probably you might know better than I do, as I know nothing about it? A If I knew when I set it down I would recollect it; I have had a good deal of trouble about it.
Q I don't want to cause you any trouble about it, but I would like to know, it is some importance in this case. A There was a young man working for us that set it down.
Q What was his name? A His name was Nichols.
Q Do you remember how long after your child died before Nichols went to work for you? A No sir.
Q Well when it was set down what was it set down from, your recollection? A Why I had a husband then and all of us recollected it, who wouldn't recollect it?
Q I am asking you how long it was before this entry was made, if you can tell me? A I don't know when.
Q Do you think it was as much as two years? A No sir.
Q It was not? A No sir, if I should guess at anything about it I should think it was along in the summer sometime, I should think now; afterwards this young man was breaking prairie and of course he broke it in the winter.
Q Was this the first place it was made where it was made here in this Bible? A Yes sir.
MR. SMITH: If the Court please, I want to show by the title page of the Bible that it was not published until in 1869.
COMMISSION: The title page has been examined and it shows that the edition of the Bible in evidence was published in Philadelphia in the year 1869.
BY MR. HASTINGS:
Q Do you remember, independent of the Bible, of the dates of your son's death? A Yes sir.
Q You didn't attempt to give distinctly when that entry was made in your Bible? A No sir.
Q You so stated? A Yes sir.
BY MR. SMITH: I object to that; it is leading.
BY MR. HASTINGS: The Representatives of the Cherokee Nation ask that the testimony of Sam Webber, re-called, in the case of Jefferson Ross and others, Freedman D-872, be made a part of the record in this case.
COMMISSION: It is ordered that the testimony just taken be filed as supplemental testimony in Cherokee Freedmen Doubtful case 496, the same being the case of Chlora Grayson, and it

will likewise be filed in Cherokee Freedman Doubtful case 216, the case of Aaron Webber, and in Cherokee Freedmen doubtful case 350, the same being the case of Joe Ross.

It is further ordered that a set of all the testimony given by Sam Webber in Cherokee Freedman Doubtful case 872, the same being the case of Jefferson Ross, be filed in case Cherokee Freedman D-350, of Joe Ross, and in Cherokee Freedman D-216, of Aaron Webber.

H. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in this case, as dictated to him from the stenographic notes of John O. Rosson, by said Rosson, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

H. D. Green,

Subscribed and sworn to before me this November 16th, 1901.

J. C. Starr,

Notary Public.

SEAL.

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Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he copied the above and foregoing, and that same is a true and complete copy of the original transcript.

Wm Hutchinson

Subscribed and sworn to before me this 8th day of December, 1903.

Edward Merrick.

Notary Public.

To be filed with the case of Mintie Vann—— C. P. REJECTED.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. May 18th 1901.

In the matter of the application of Jim Vann for the enrollment of himself, wife and five children as Cherokee Freedmen; he being sworn by Commissioner C. R. Breckinridge, testified as follows:

Q What is your name? A. Jim Vann.
Q How old are you? A. 40.
Q What is your post office? A. Chouteau.
Q In what district do you live? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to have enrolled? A Myself and my children.
Q Have you a wife? A Yes sir.
Q Do you want to enroll her? A Yes sir.
Q How many children have you? A Five.
Q All under 21 years of age? A Yes sir.
Q How long have you lived in the Cherokee Nation? A. All my life.
Q Give me the name of your father? A Billie Vann.
Q Is he alive? A No sir.
Q How long has he been dead? A. About 10 years.
Q Give me the name of your mother? A. Hannah Vann.
Q Is she alive? A No sir.
Q How long has she been dead? A About 9 years.
Q Give me the name of your wife? A Mintie.
Q How old is your wife? A. 40 or 45.
Q Does she claim to be a Cherokee Freedman? A Yes sir.
Q Give me the name of her father? A. I dont know it,
Q Give me the name of her mother? A. Maude Vann.
Q Is Maude Vann living? A. No sir.
Q How long has she been dead? A. Quite a while,I cant tell you exactly
Q About how long? A. About 15 years I guess.
Q What was your wifes name when you married her? A. She went by the name of Buchannan.
Q What was her name before that? A. Mintie Vann.
Q Had she been married once before she married you? A. Yes sir.
Q What was the name of that first husband? A. Isam Buchannan.
Q Was he dead before you married her? A Yes sir.
Q How many times have you been married? A. Just twice with this woman.
Q Was your first wife dead when you married this woman? A Yes sir.
Q Have you any blood except African blood in you? A. No sir,just African that all.
Q When did you and your wife Mintie marry—have you a certificate? A Yes sir.

The applicant presents a marriage license issued by the Clerk of the United States Court for the Northern district of the Indian Territory authorizing marriage between himself and Mrs Mintie Vann,under date of November 15th 1900. The certificate shows that they were united in marriage on the 15th day of the same month and year by the Rev. Joe Ross. This is filed herewith

Q Give me the names of your chikdren? A. Laverna.
Q How old? A. 12.
Q Next? A Peter.
Q How old? A 11.
Q Next? A. Virgil.
Q How old? A. 8.
Q Next? A. George.
Q How old? A 7.
Q Next child? A. Lucinda.
Q How old? A. 6.
Q Are all these children living now? A Yes sir.
Q Are all these children by your former wife? A Yes sir.

Q Give me the name of the mother of these children? A.Rosa Vann.
Q When were you and this woman Rosa married?A We married—I cannot tell just exactly the date but we married—it has been— we lived together before she died about 6 years.
Q How long has she been dead? A Going on 8 years.
Q How long were you married before your first child was born? A About a years
Q How long did she live after the child Lucinda was born? A A years or two years.
Q You married her about 13 years ago then? A Yes sir.
Q And she had been dead about 4 years then? A Yes sir I guess so.
Q How old was she when she died? A. I dont know how old she was.
Q How old was she when you married her? A I dont know, I didnt ask her agem she was a well grown woman though.
Q If she were alive she would be about 30 years old or so?A Yes sir.
Q Give me the name of her father? A. Isam that is all I know.
Q Give me the name of her mother? A. Lucinda Price I think.
Q Was your first wife ever married before she married you?A No sir.
Q What was her name before she married you? A. She went by the name of Rosa Mosley.
Q How long did you wife Rose live in the Cherokee Nation? A All her life

The 1880 roll of the Cherokee Nation examined and the name of the applicant identified thereon as follows
Page 195, No.3139,James Vann, Coowescoowee district.

The 1880 roll examined and the applicant's first wife not found

The 1880 roll of the Cherokee Nation examined and the name of the applicant's present wife not found thereon.

The 1896 census roll of the Cherokee Nation examined and the name of the applicant identified thereon as follows:
Page 423, No. 636, James Vann, Coowescoowee district.
Page 423, No. 637, Louversa Vann, "
Page 423, No, 638, Esta Vann, "
Page 423, No. 640, Verginia Lee Vann, "
Page 423, No. 639, George Vann, "
Page 423, No. 641, Lucinda Vann,

The Kerns-Clifton,and census roll of 1896 both examined and the applicant's present wife not identified thereon.

MINTIE VANN, called and sworn as a witness by Commissioner C. R. Breckinridge, testified as follows:

Q What is your name? A. Mintie Vann.
Q Are you the wife of this man here? A. Yes sir.
Q How old are you? A. Well I dont know exactly, I guess I am 47.
Q How long have you been living in the Cherokee Nation? A. Pretty near all my life they say.
Q Dont you know? A No sir.
Q How long did you live in the Cherokee Nation before you married this man? A. 15 or 20 years I guess.
Q Where have you lived except in the Cherokee Nation? A No where.
Q Where were you born? A In the Creek Nation.
Q Were you a slave in the Cherokee Nation at the time the war broke out? A. My father and mother was.
Q Who did they belong to?mA. Old Joe Vann.
Q Did you belong to any one? A. No sir.
Q Were you free born? A Yes sir.
Q How could you be free born if your father and mother were slaves? A I dont know.
Q How many times have you been married? A. This makes the third time.
Q What is the name of your first husband? A. Isam Buchanan.
Q The name of your second husband? A Dave Johnson.

Q And is this your third and last husband? A Yes sir I hope so.

Applicant's present wife not found on the Wallace roll.

JERRY BUTLER, called and sworn as a witness, testified as follows:

Q What is your name? A. Jerry Butler.
Q How old are you? A. 45.
Q What is your post office address? A. Chouteau.
Q How long have you lived in the Cherokee Nation? A. All my life.
Q Do you know this applicant? A I do.
Q How long have you known him? A. Always——since we was little.
Q How many times has he been married? A. Two times.
Q What was his first wife's name? A. Rosa.
Q Is she dead? A. Yes sir.
Q How long has it been since they were married? A. 13 or 15 years.
Q How long hase she been dead? A. Must have been dead about— I dont know just how long.
Q Do you know their child Lucinda? A I dont believe I know her by that name.
Q How old was their youngest child when she died? A. A baby.
Q How old is that child now? A. 5 or 6 years old.
Q Was this man ever married before he married this wife Rosa? A. No sir.
Q Was she ever married before that? A. No sir not as I know of.
Q Did they live together as man and wife until she died? A. Yes sir.

By Com'r Brecklnridge,—

The applicant applies for himself, his wife and five children; the applicant is identified on the rolls of 1880 and 1896 as a Cherokee Freedman; he has lived in the Cherokee Nation all his life and he will now be listed for enrollment as a Cherokee Freedman. His five children, named in the testimony are all identified on the roll of 1896, they are all minors and are all living at this time; a lawful marriage between the applicant and his wife mother of these children is established in a satisfactory manner and these five children will be listed for enrollment as Cherokee Freedmen. As for the application made for the applicant's present wife, it appears that his former wife was dead before he married this one; she is not identified on any of the rolls as the Cherokee Nation, neither does she submit at this time any testimony to entitle her to enrollment except her marriage in November of last year, which would be too late to entitle her to enrollment as an intermarried freedman under the Cherokee law of December 16th 1895, therefore the applicantion made for her enrollment is refused and the said Mintie Vann will be rejected.

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Chas. von Wolee, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this the 21st day of May, 1901 at Muskogee, I. T.

Commissioner.

...PARTMENT OF THE INTER...
COMM... ON TO T... ...RS.
...CEIVED
APR 18 1907

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date May 16/1901

Post Office Tahlequah, I.T.

District Cooweescoowee

1. Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

2. Name of wife Minta Vann Age [redacted] - 47

Owners name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother Amanda Vann - dead Citizenship .....

Names of Children:

3. ..... Year ..... Page ..... No. ..... Dist. .....

4. ..... Year ..... Page ..... No. ..... Dist. .....

5. ..... Year ..... Page ..... No. ..... Dist. .....

6. ..... Year ..... Page ..... No. ..... Dist. .....

7. ..... Year ..... Page ..... No. ..... Dist. .....

8. ..... Year ..... Page ..... No. ..... Dist. .....

9. ..... Year ..... Page ..... No. ..... Dist. .....

10. ..... Year ..... Page ..... No. ..... Dist. .....

11. ..... Year ..... Page ..... No. ..... Dist. .....

12. ..... Year ..... Page ..... No. ..... Dist. .....

Rejected

Application made by Jos. Vann (husband) Stenographer Lekan Von Meter

Copy of marriage license and cert. attached

X Ref.

IND. TER.
ED
4 1901
CHAS. A. DAVIDSON,
K, U. S. Courts.

CERTIFICATE OF RECORD.

United States of America,
INDIAN TERRITORY,
Northern District. } ss.

I, CHARLES A. DAVIDSON, Clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the 11 day of Feb, 1901, at ... M., and duly recorded in Book K, Marriage Record, Page 82

WITNESS my hand and seal of said Court at Muscogee, in said Territory this 26 day of April, A. D. 1901

Chas. A. Davidson Clerk.

By ..... Deputy.

MARRIAGE LICENSE

United States of America, } ss.
INDIAN TERRITORY,
Northern District.

No. 1968

To Any Person Authorized by Law to Solemnize Marriage---Greeting:

You are Hereby Commanded to Solemnize the Rite and publish the Banns of Matrimony between Mr. Louis Vann of Choteau, in the Indian Territory, aged 40 years, and Mrs. Minnie Vann of Choteau, in the Indian Territory, aged 45 years, according to law, and do you officially sign and return this License to the parties therein named.

WITNESS my hand and official seal at ~~Muscogee~~ Wagoner, Indian Territory, this 13 day of Nov, A. D. 1901.

Chas A Saunders
Clerk of the U. S. Court.

By R. C. Minister Deputy.

CERTIFICATE OF MARRIAGE.

United States of America } ss.
INDIAN TERRITORY,
Northern District.

I, Joe Rusk, a Minister of the Gospel,

DO HEREBY CERTIFY, that on the 13 day of Dec, A. D. 1901,

I did duly and according to law as commanded in the foregoing License, solemnize the Rite and publish the Banns of Matrimony between the parties therein named.

WITNESS my hand this 21 day of Dec, A. D. 1901

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Northern District,

Book A, Page 53.

Joe Rusk
A Minister of the Gospel.

NOTE—This License and Certificate of Marriage must be returned to the Office of the Clerk of the United States Court in the Northern District, Indian Territory, from whence it was issued, within sixty days from the date thereof, or the party to whom the license was issued will be liable in the amount of One Hundred Dollars (fine).

FILED
APR 11 1904
COMMISSION TO FIVE TRIBES.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October 15, 1901.

In the matter of the application of Elizabeth Meigs et al. for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:
L. T. Brown, agent for the applicant;
J. S. Davenport, of counsel for Cherokee Nation.

L. T. Brown: I would like to have the record show that sometime next week the applicant intends to introduce as witnesses in this case, Aaron Wright, Reuben Sanders, Dan Sanders, and Sam Webber, for the purpose of showing that all the applicants in this case returned to the Cherokee Nation during the time prescribed by the Nineth Article of the Treaty of 1866.

Commissioner Needles: Hasn't that already been shown?

L. T. Brown: And that they have had a continuous residence in this country since that year.

Commissioner: Well, that is all right.

ROBERT MEIGS, being duly sworn by Commissioner Needles, testified as follows:

Mr. Davenport: What is your name? A Robert Meigs.
Q Where do you live? A I live five miles southwest of Tahlequah.
Q What is your postoffice? A Park Hill is my postoffice.
Q How old are you? A I am 56 my next birthday.
Q How long have you lived in the Cherokee Nation? A I have lived here all my life except a little while time of the war, from '64 to '66.
Q Did your people own any slaves before the war? A Yes, sir.
Q Do you know whether they owned a woman by the name of Elizabeth?
A No, sir.
Q Do you know whether or not they owned her mother, or anybody of the family? A Elizabeth, no, sir.
Q Well, did you know Peter Meigs? A Yes, sir.
Q Do you know what his wife's name was when the war broke out?
A Betsy they called her.
Q Well, was she living, Betsy, at the time the war broke out?
A Yes, sir.
Q Well, did you ever know her by any other name than Betsy?
A Bettie.
Q Where was Peter Meigs and his family at the b reaking out of the war? A Well Peter was with us at home at the breaking out, but he and his wife was up there somewhere near the Dutch Mills on the Arkansas line.
Q Well I wish you would look at that woman there and see if she is the woman you know as Betsy or Bettie or whatever you know her by (indicating applicant)? A Yes, I think that is the one, I have never seen her but once.
Q That is since the war? A I just saw her once in my life and that was time of the war, after the war.
Q Did you ever see Peter Meigs and his family after the war? A Yes, sir, saw Uncle Peter.
Q What year was that? A Sometime after '71.

Q What were the circumstances as to your seeing him or meeting him?
Q Why he had come down to Council to see about fixing up his rights, and he came down to visit my brother John, we were right together, and I went up there to see him.
Q Did you have a conversation with him or did he have a conversation with your brother John in your hearing where he and his wife were present in regard to his right or when he returned? A Yes, sir.
Q Give that conversation as near as you can.

L. T. Brown: The applicant objects to this witness relating any conversation he might have had with Peter Meigs, for the reason that Peter Meigs is dead and cannot affirm or deny this statement.

Commissioner: The objection will be noted and the witness will answer.

Q Go ahead and state what the conversation was between you? A He was talking about returning, he said he came down here in the fall of '66 and started to make him a place somewhere on Big Creek and his family wasn't with him, and afterwards when he returned why it was too late when he brought his family.
Q Did you ever see any other members of his family excepting he and his wife at the time you speak of? A No, sir, just him and his wife is all, I wasn't acquainted with the children.
Q Do you know where he was living at that time? A He said he was living on Big Creek somewhere.
Q That was in what year? A This was after '71 sometime, I don't know just what time it was.

By L. T. Brown: Now what did you say that conversation was, Mr. Meigs? A Why he said that he had come down to make him a place somewhere up here on the Verdigris, or Big Creek, and he started to make him a cabin, and put up the wall, and then went back for the family.
Q He told you that he came down and started him a little cabin with the intention of making him a home in the fall of '66? A He said he came down and started to make him a home.
Q In the fall of '66? A Yes, in the fall of '66.

Mr. Davenport: Well, what did he do after the started that home, did he say, after he started that cabin? A Went back after his family.
Q And he stayed up there till when he came back down here it was too late; is that what he told you? A Yes, sir.

L. T. Brown: How long did he tell you he stayed up there in Kansas after he made the first trip? A He didn't state, I believe he gave but one date.

Commissioner: This testimony will be made part of the record in the case at bar, and also part of the record in D case 394, D-396, D-398, D-404, D-402, D-401, D-407, and D-775, and the sub-references.

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Bruce C. Jones.

Subscribed and sworn to before me this the 7th of November, 1901.

(Signed) T. B. Needles,
Commissioner.

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H. M. Vance, being duly sworn, states that as stenographer to

the Commission to the five Civilized Tribes, he made the above and foregoing copy and that the same is a true and correct copy of the original transcript.

Subscribed and sworn to before me this the 9th day of April, 1904.

Notary Public.

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APR 11 1904
COMMISSION TO FIVE TRIBES

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita,I.T.,October 29th,1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Joe Ross C.F.D. 350.

Appearances:
W. W. Hastings, for the Cherokee Nation.
Mellette & Smith for the applicants.

. . . . . .

BY MR. HASTINGS: The Representatives of the Cherokee Nation ask that the testimony of Sam Webber, be recalled, in the case of Jefferson Ross, and others, Freedmen D 872, be made a part of the record in this case.

COMMISSION . . . Itis further ordered that a set of all the testimony given by Sam Webber in Cherokee Freedmen Doubtful case 872, the same being the xase of Jefferson Ross be filed in the case Cherokee Freedmen D 350, of Joe Ross, and in Cherokee Freedmen D 496, of Chlora Grayson and in Cherokee Freedmen D 216, of Aaron Webber.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata,I.T., June 26,1901.

In the matter of the application of Jefferson Ross for the enrollment of himself and four children as Cherokee Freedmen.

Appearances:
Mellette & Smith, atterneys for applicants;
W. W. Hastings, of counsel for Cherokee Nation.

. . . . . .

Sam Webber, being duly sworn by Commissioner Needles, testified as follows:

Mr. Smith: Whatis your name? A. Sam Webber.
Q. How old are you? A. About 58.
Q. Where do you live? A I live two miles west of here.
Q. How long have you lived in the Cherokee Nation? A. I was born and raised here, and after the war came back.
Q. Do you know this applicant, Jefferson Ross? Q. Yes,sir.
Q. Were you acquainted with him beforethe war? A. No, sir,I wasn't acquainted with him before the war.
Q. When did you first know him? A. I got acquainted with him just after the war.
Q. Where? A. Here in the Nation.
Q. About what part of the Nation? A. He came to my house there on Big Creek in the Nation.
Q. What time? A. Along in the spring of '67.
Q. Do you know of your own knewledge when he first came back to the Territory after the war? A. No, sir, I don't knew of my own Knowledge.
Q. Do you know where he was living at the time he came to your house? A. He has been working on snow Creek he claimed and he was on his way hunting his sister.
Q. Did you ever see him after you saw him that time? A. I put him on the trail down to his sister's and I never saw him for quite a little bit from that; when I saw him he was there on Lightning Creek.

Q. Did you see him then after that at his sister's? A. I saw him then often and on for near about two years I guess.
Q. Where? A. There at Lightning Creek.
Q. In the Cherokee Nation? A. Yes, sir.
Q. Was he a married or a single man at that time? A. He was a single man to my knowledge.
Q. Do you know where he is living now? A. No, sir, I don't.
Mr. Hastings: You saw him around here for about two years?
A. Yes, sir.
Q. Then how long was it till you saw him again, Sam? A. I remember after that of seeing him on Big Creek again.
Q. How long after that? A. Must have been six months or a year after that I met him again there.
Q. You know where he was married? A. No, sir, I can't tell you.
Q. Was he married at that time? A. If he was I didn't know it.
Q. Did you know his wife? A. No, sir, I didn't know his wife.
Q. Did you ever see his wife? A. Not to know it was here.
Q. Has this man ever kept house to your knowing? A. When I saw him he was to his sister's.
Q. What was her name? A. Katie Thornton.
Q. You never saw him in a separate, independent house, keeping house with his family? A. No, sir, never did.
Q. Whatis his occupation? A. I can't tell you.
Q. Did you ever see him making a crop anywhere? A. I never saw him farming, I have seen him working for people around there.
Q. He never made a crop to your knowledge? A. No, sir, not to my knowledge.
Q. Has he got any special occupation like a carpenter? A. Not as I know of.
Q. Whatis Katie Thornton'shusband named? A. Henry Thornton.
Q. Was that her husband at that time? A. Yes, sir.
Q. With whom does this man stay now? A. I don't know that.
Q. You never saw him anywhere except around to his sister's? A. That is all I have noticed him.
Q. Did he have any children when you saw him? A. I never seen them if he did.
Q. You don't know where his family were, if he had any? A. No, sir.

. . . . . .

Sam Webber, recalled, testified as follows:
Mr. Hastings: Mr. Webber, When were you first married? A. When I first married, I married just a short while after the war, I disremember what year.
Q. Before you came down here? A. After I came down here.
Q. Well, about how many years after you came down here. A. It wasn't a year after I came here.
Q. Well, you know what time of the year you were married? A. I was married along in the winter.
Q. Was that the same winter you came, or the winter of '67?
A. It was along about, it throwed in '67, it was after Christmas.
Q. You mean in January of '67, or the last part of '67? A. It was along after Christmas, I don't remember the date.
Q. What was your wife named? A. My wife at that time was Rinda Martin.
When did you commence keeping house? A. I went in my house when I first came there.
Q. You and your wife keeping house separate and apart? A. I was Keeping house when I was single, I built me a little house, and was living there.
Q. What time of the year did you and your wife move into that house? A. We moved right in the house after we married.

And you don't remember when that was, that time of the year? Along after Christmas? I was already in the house.

M. D. Green, being first duly sworn, states that he was stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript.

M.D. Green

Subscribed and sworn to before me this November 16, 1901.

J. C. Starr,
Notary Public.

I the undersigned, being first duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes I copied the above and foregoing, and that the same is a true and correct copy of the original.

Subscribed and sworn to before me this April 4, 1906.

Notary Public.

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APR 11 1904
COMMISSION TO FIVE TRIBES.

Supl.-C.F.D.#775.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 24, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of SAMUEL BECK as a Cherokee freedman; introduced on part of the Cherokee Nation:

Appearances:
L. T. Brown, Vinita, I. T., Agent for Applicant;
J. S. Davenport, Cherokee representative.

L. B. BELL, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. DAVENPORT:

Q What is your name? A L. B. Bell.
Q Where do you live, Mr. Bell? A Vinita, Indian Territory.
Q How long have you lived in and near Vinita? A Oh, since '67, including most of '67.
Q Was there any railroad running in or through Vinita when you first moved into that community? A No, sir.
Q When did the railroad first come through that country, Mr. Bell? A In 1871.
Q You know this applicant, Sam Beck? A No, I don't know him.
Q Don't know anything about him? A No, sir.
Q Was you living in that country before the railroad started from Kansas through the Indian territory; that is, the M. K. & T.? A Well, I will tell you what I know about the railroad; The railroad come through the country in 1870, and on the application of the Cherokee nation, a complaint to the Secretary of the Interior, they stopped building and during the session after 1870 of the National Council of the Cherokee Nation, they passed an Act there, it is dated the 14th of December, 1870, authorizing the furnishing of cross-ties to the railroad, and agreeing that the railroad could go through. The secretary hadn't determined which had the right-of-way. They had begun it in 1870 and the M. K. & T. got the right-of-was, and then they authorized the selling of cross-ties, and I went to Chetopa and made a contract with the Company for cross-ties enought to built from the Kansas line to Pryor Creek and sublet it. Mr. Martin was one I sublet to, that was in 1870 that contract was made, I don't recollect the exact date. Well, just a few days following that we began getting cross-ties and then worked on down to the Creek Nation. That was the first railroad built in the country and first cross-ties was cut on the railroad in this country.
Q You don't know anything about the wife of Beck or anything about them? A No, I don't.

C. D. Markham, being duly sworn, testified as follows on part of the Cherokee nation:
MR. DAVENPORT:

Q What is your name? A C. D. Markham.
Q Where do you live? A At Tahlequah.

Q How long have you lived in the Cherokee Nation?
A I was born and raised here; never was out except during the war.
Q Where did you live before moving to Tahlequah? A Lived on Grand river east of Chouteau about ten miles.
Q Do you know Samuel Beck, the applicant in this case, or his family? A No, sir.
Q Where were you living along the latter part of the sixties or early part of the seventies? A On the Grand river.
Q Do you know about the year the M. K. & T. railroad built from Chetopa, Kansas, down through the Territory? A It must have been the latter part of '71 or '2.
Q Had you any connection with it any way that makes you remember it? A Yes, sir, I had a contract on the road, beginning at Bryant's lake, down this way.
Q And that was in what years it built down there? A The ties was put in there in the spring, latter part; it was in the spring of '71.

BY ATTORNEY BROWN:

Q You don't know the applicant, Mr. Markham? A No, sir, I don't.
Q You don't know to whom he belonged before the war or when he returned to the Cherokee Nation? A No, sir.

Commission: This testimony will also be filed in and made a part of the record in Cherokee freedman case No. D.391.

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J. O. Resson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. O. Resson.

Subscribed and sworn to before me this February 27, 1902.

(Signed) T. B. Needles,
Commissioner.

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H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the above and foregoing copy and that the same is a true and correct copy of the original transcript.

H M Vance

Subscribed and sworn to before me this the 9th day of April, 1904.

Charles W. Sawyer

Notary Public.

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APR 11 1904
COMMISSION TO FIVE TRIBES

F. D. 391.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 13, 1902.

In the matter of the application of Elisabeth Meigs for the enrollment of herself as a Cherokee Freedman.

Cherokee Nation appears by W. W. Hastings.
Applicant appears by L. T. Brown.

MRS. LYDIA BARTON, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A Mrs. Lydia Barton.
Q What is your postoffice? A Fort Scott, Kansas.
Q Do you hold any official position at the present time? A Yes, sir.
Q What is it? A County Clerk.
Q Of the county in which Fort Scott is located? A Yes, sir.
Q Have you an official paper? A Yes, sir.
Q What is it? A Our official paper at the present time is the Republican, but that changes you know from time to time.
Q Do you know what your official paper was in December, 1866, and up to and including March of 1867? A Yes, sir.
Q What was it? A The Fort Scott Moniter.
Q Are you required to keep files of this paper in your office? A We are.
Q Have you a file of the official paper including December 22, 1866, up to and including March of 1867? A Yes, sir. (Here presents files.)

MR. HASTINGS: The Cherokee Nation offers in evidence the account found in the Fort Scott Moniter of date Wednesday, December 26, 1866, found on the second column of the editorial page, headed "Another Murder."

MR. BROWN: Comes now the agent for the applicant and objects to the introduction of these newspaper accounts for the reason that they are incompetent, irrelevant and immaterial, and purely hearsay.

COMMISSION: The objection will be noted and the newspaper accounts introduced in evidence and considered for what they may be worth.

"Another Murder.
Shooting of D. Hayford.
Testimony given before the coroner.

On Saturday night, the 22nd inst., after dark, Mr. Dyer Hayford, of this city, was found murdered. A colored man, named Eli Mackey, has been arrested, and is in jail, charged with the crime. There would not seem to be much, if any, doubt of his guilt. Mr. Hayford has been a resident of Fort Scott for several years, has kept a grocery and provision store on the corner of Williams and Bigler Streets, and was a very quiet and inoffensive man. The facts of his murder as we learn them, are these:

On Saturday, about dark, the sack of flour which Mr. Hayford had placed on a vex, outside the door of his store, was stolen.

Being missed almost immediately, and learning that Mackey had taken it, and was then on his way home with it, (Mackey resides near Fort Scott mills,), Mr. Hayford jumped on a horse and started towards the mill. He had not been gone more than twenty or thirty minutes before several shots were fired, on the road between the city and the mills, where Mr. Hayford was found on the ground, in the last agonies of death. He had received four shots from a weapon, evidently a revolver. Suspicion was at once directed to Mackey and he was arrested. As the news spread through the city, the excitement and the indignation was great, and many threats of lynching Mackey were made; but wiser and better counsels prevailed, and there was no disturbance.

On Sunday, Justice Hargrave was called on to hold a coroner's inquest. A jury was empanelled, consisting of Messrs. C. F. Drake, Joseph Ray, Frank Clough, Porter Williams, Jos. Warten and R. L. Phillips. The body of Mr. Hayford having been removed to his late residence, the jury proceeded to inquire as to the cause of his death. We give the principal part of the testimony given before the jury.

Drs. J. S. Redfield and B. F. Hepler made a post-mortem examination, and testified that they found four pistol or gunshot wounds on the body and face of Dyer Hayford, then lying dead before them. One shot entered the region of the stomach which came out over the liver, in the side or back. This would bears evidence that the pistol was held close to the body when discharged. Two other wounds found on the body were about two inches above the left nipple and about an inch and a half apart - one ball passing through, coming out below the left shoulder, the other ranging downward, and was found close to the spinal column, a few inches below the lower ribs on the left side of the body. The fourth ball entered the upper part of the chin, not fracturing the bone, and lodged in the right shoulder, (evidently fired, we think, after he was on the ground.) The surgeons testified that any one of the three wounds found on his body would have been mortal.

Alonzo Cullin, (colored) sworn - Was at Hayford's Saturday evening, just after six o'clock, came on horseback, left my horse at the door; went in and found Hayford alone and coming toward the door; Eli Mackey, colored, was standing on the walk when I went into Hayford's; a sack of flour was standing on the box at the door when I went in; Hayford came out and the flour was gone; he asked me who was there when I came in, and I told him; asked me to get on my horse and follow Mackey and see if he had the flour; did so; rode very fast and overtook Mackey at the hill, going toward the mill; he had stopped and the sack of flour was on the ground beside him; his coat was off and thrown over the flour but the end of the sack was in sight; I rode close to him; he put his hands up to sides and was blowing right smart; I inquired if he had seen a steer with a rope on his neck; he said no; I rode back toward Hayford's and told him Mackey had the flour and where it was; Hayford said he would go and get the flour, and asked me for my pony; he got on and rode down the road; he had been gone a good while before I heard the firing; he had been gone long enough to ride to the mill and back to the place where he was shot, before I heard the firing. When I saw Mackey at Hayford's he had on a soldier's coat; it was off when I found him with the flour. Didn't notice that at any time whether Mackey had any arms or weapons with him; saw him again after he was arrested, a short time after Hayford was killed; he then had a different coat. He asked what he was arrested for; he was told, for stealing flour; he asked who had seen him with the flour; he was then told he had shot Hayford, and he said he had nothing to shoot with. I knew that he generally carried a revolver; when I saw him with the flour I didn't notice whether he had one or not. When Hayford started from

the store, he said he would go and get Mr. Myers to go with him to get the flour; from the place where I saw Mackey with the flour to that where Hayford was shot, is about one hundred yards. I heard three shots distinctly.

Harry Lender, (colored) sworn - Saturday evening heard several shots fired. Was at home, lived near the mill close by Eli Mackey. About twenty minutes after the shots were fired Mackey came to my door; asked me if his wife was there; told him no. He seemed to be in a hurry. He had on a black soldier's coat; the shooting sounded as if it was south from my house, and about the place where Hayford was found; someone rode down to Mackey's and returned about fifteen minutes, before the shots were fired. Saw the coat which Mackey wore when he come to my house, at his house afterward. - Do not know whether he had any revolver then or not, he usually carries one; have seen him have one several times. I did not notice any flour on his coat. It was a navy revolver which Mackey usually carried. He also owns a gun; didn't see that at his house that night. When Mackey left my house he went to his house, and soon afterward heard him going back towards town whistling. Mr. Jones found the sack of flour at the edge of the creek; looked as if thro wn down the bank. Was found about twenty yards from Mackey's house. Saw Mackey have a revolver on Friday the day before Hayford was killed.

E. C. H. Myers, sworn - I live about 100 yards west of Eli Mackey's. Saturday night was at home sick abed; a man came to my house and inquired for me, I heard him and knew by his voice that it was Mr. Hayford; have known him several years. He left and my wife said he rode in a northerly direction, that is the war from my house to Mackey's. About five minutes after he left I heard four distinct shots. From the sound thought they were about 150 yards off and southwest from my house. After the firing heard someone walking past, whistling; he was going towards town.

Stephen Looney, (col.) sworn - After dark Saturday night I saw Eli Mackey at Smith's Saloon. He asked me to play cards with him that night. He went out and I told him not to stay long. I waited a good bit and Mackey didn't come back and I went out and called him; he didn't answer; I then went over to Hayford's and learned that a sack of flour had been stolen. Didn't notice whether Hayford was there or not. Alonzo Cullin told me he saw Mackey on the road towards home, and that Mackey heard me call, but wouldn't answer. Didn't see Mackey again until Mr. Jones had arrested him, and brought him up to town. When I saw Mackey at Smith's he had on a soldier's frock coat; he had a revolver on him then; it was a big navy revolver. When I saw him after he was arrested, I think he had on a different coat.

Daniel O'Neil, sworn - Saturday night I was at Kirby's and heard a shot fired, and soon after heard a man halloa; run out and another shot was fired before I got out; immediately after heard another shot and saw the flash of a pistol down in the bottom toward the mill. Alex Harris, Westly Dickey and myself run down to the road. We found a man lying on his side; his face turned downward; he was alive but could not speak. From the sound I know it was a pistol that was fired. Came to town to find Mr. Jones, Deputy Marshal.

The coroner's jury returned to the justice their inquisition, stating that Dyer Hayford came to his death by gun-shot wounds received at the hands of Eli Mackey; they also found that Mackey had feloniously and wilfully fired the revolver at Mr. Hayford with intent to kill him.

Mackey will have his examination soon, before Justice Margrave, and will no doubt be committed for trial at the next April term of the district court. Mackey is said to be a very dangerous man; he was raised in the Cherokee Nation, and is said to be part Cherokee. He is also accused of having assaginated two men in the Nation, before he came to Fort Scott, and was once before arrested here for

shooting at a man; but before his trial came off the prosecuting witness left for parts unknown, and Mackey was discharged without trial. Let him be tried for the offense with which he now stands charged, and if found guilty he should expiate his crime on the gallows."

MR. HASTINGS: I desire to introduce an editorial from the Fort Scott Monitor of date February 27, 1867, as follows:

"Eli Mackey, colored, accused of the murder of Dyer Hayford, confined in our jail, to await his trial at the next term of the District Court, for murder in the first degree, escaped last evening, and up to the time of going to press this morning, has not been heard of. A reward of two hundred dollars is offered for his apprehension."

MR. HASTINGS: The Cherokee Nation offers in evidence the following from the Fort Scott Monitor of Wednesday, March 27, 1867:

"A Chapter of Horrors.
Murderer of Hayford Captured and Hung.
Tragical events connected with the affair.

The history of our community for the past week is repleted with horrors, such as will, for long days to come, overshadow the hearts of our citizens with gloom.

A few weeks ago, we published an account of the escape of Eli Mackey, the black fiend who last winter murdered Dyer Hayford. Ever since that time the officers of justice have been on the alert with a view to his recapture, and on Wednesday, the 20th instant, Deputy Sheriff Wheaton, having learned that the murderer was concealed in his brother's house, about five miles northeast of this city, started, in company with his son, Charles T. Wheaton, Edward Coe - who were on police duty in this city - and Benj. Files, for the purpose of capturing him.

On arriving at the house, Messrs. Coe and Wheaton, Jr., approached and ordered the wretch to surrender. In return, he fired several shots through the partially open door, and then ran out of the house into the open prairie. Coe, being nearest, received the first shots that were fired. He stepped to the corner of the house, sat down and expired in about fifteen minutes. Immediately after Charley Wheaton received a ball in his right side and fell to the ground. For some time no hope was entertained of his recovery; but at the present writing his condition is improved, and his friends entertain some hopes that he will live.

In the mean time a number of the neighbors had gone around and headed by Capt. Curtis Johnson, Mr. Files and Mr. Dickinson started in pursuit. The murderer, with a gun and revolver in his hands, ran fleetly across the prairie, firing at his pursuers as he ran, and dropping down to load as fast as his weapon became empty. Finally, when nearly dead from the wounds he received from his pursuers, he signified his readiness to surrender; but even after they approached him his bloodthirsty spirit was not satisfied, and he fired the two remaining shots in his revolver at the crowd. Fortunately, no one was injured, though Mr. Dickinson had part of his coat shot off. After the murderer was secured he was taken back to the house from which he had fled and hung by the neck until he was dead. Before his death he tried to implicate an innocent negro in the murder of Mr. Hayford, but having been caught in the falsehood, he confessed to having committed the deed himself. He also confessed to having killed five other men, and also to having shot at Major Mefford last winter. - All reports indicate that he has always been a character with scarcely a parallel in the annals of history for desperation and

bloodthirstiness.- We are informed that at one time, in the Cherokee Nation, 25 men attempted to arrest him but failed on account of his desperation. The colored people, who knew him, were terrible afraid of him. History has seldom presented a character so utterly lost even to every sentiment of humanity.

As a general rule, we have always depreciated the taking of life except by due process of law, as dangerous to the peace and quiet of the community and to the best interests of society. We have always found that nothing but the most extreme necessity would justify it, but we believe in this instance that necessity existed; for every moment this desperado was allowed to live, endangered the lives of good citizens. We learn that the house he occupied was since burned to the ground. The sufferers from their attempt to arrest him, were among the best of our young men. As members of the police force of this city they have performed their duties faithfully. Generous and brave to a fault, the death of one and the danger to the other creates a spirit of sadness that cannot soon be eradicated.

The body of Mr. Coe was brought into the city, and on Friday after a funeral sermon by Mr. Irwin was escorted by a large procession, headed by the members of the Grand Army of the Republic, to the cemetery where it was interred.

Sequel.

On Thursday night a crowd of about fifty men, still laboring under the excitement growing out of the tragedy of Wednesday, entered the jail and having possessed themselves of the keys took Jackson Mackey and Harry Vann - one the brother who harbored the murderer and the other charged with furnishing provisions and aiding in his concealment, to the ravine near the poorhouse and hung them to a tree where their lifeless bodies were found the next morning. So quietly was this done that few in the city except those who participated knew of it until the next morning."

BENJAMIN FILES, being first duly sworn, testified as follows:

MR. HASTINGS: What's your name? A Benjamin Files.
Q What is your postoffice, Mr. Files? A Fort Scott.
Q Kansas? A Kansas, yes, sir.
Q Were you living there at the close of the war? A Yes, sir.
Q Were you living there in '66, December? A I have lived there ever since '62.
Q Did you know Dyer Hayford? A Yes, sir.
Q Had you known him before December, '66? A Yes, sir, I had known him in the neighborhood of two years before that and knew him up until that time.
Q Was he killed? A He was killed at Fort Scott.
Q Was he killed in the town? A He was killed just at the brink of the hill along in the mouth; yes, sir, he was killed in the city just about the brink of the hill.
Q About what time of the day was he killed? A He was killed just after dark, just dark.
Q Do you know who killed him, who was said to have killed him, who was accused of killing him? A Yes, sir.
Q Who? A Eli Mackey.
Q Was he a colored man? A Yes, sir, he was.
Q Did you assist in his arrest? A Yes, sir.
Q Who arrested him? A Myself and a man we called Deacon Jones.
Q That this other man here with you? A Yes, sir.
Q About how long after this reported killing? A I heard the shots fired, then run down there and run over him; I lit a match and this man drew his breath twice. From the time the shots fired I wouldn't think it was more than twenty minutes.
Q Twenty minutes? A Yes, sir.

Q Had it become generally known at the time of the arrest? A No, sir.
Q There was no time for the public to know? A Only a few people knew; I heard the shots fired myself and run down there.
Q And a few people knew that the killing had taken place before he was arrested? A Yes, sir.
Q And the excitement, then, was that after that? A Yes, sir, they didn't have time to know it.
Q Was he put in jail? A Yes, sir.
Q You remember how long he remained in jail? A Till about the twentieth, sometime in February, 26th I think it was.
Q Of February following, of '67? A Yes, sir.
Q Well did he make his escape? A He got away.
Q He got away? A Yes, sir, he got past the turnkey, Ed Coe.
Q Ed Coe was the turnkey was he? A Yes, sir.
Q I will ask you then if there was any searching parties out for this man? A Yes, sir.
Q For how long? A I think he was killed on the 20th of March.
Q From then about the 26th of February until the 20th of March people looking for him, a reward offered for him? A Yes, sir, some three hundred dollars I believe.
Q Well were there quite a number of people out searching for him? A Yes, sir.
Q Considerable excitement at that time? A Yes, sir.
Q Did people go out in the country looking for him? A Yes, sir, and searched houses and searched lands, they looked around for him, but failed to find him.
Q Up until that time? A Yes, sir.
Q You say that was for about three weeks? A Yes, sir, something over three weeks.
Q From the 26th of February up until about the 20th of March? A Yes, sir.
Q Do you know whether this Eli Mackey was reputed to be a Cherokee darkey or not? A Yes, sir, he was.
Q I believe there was a newspaper account to the effect that when he was captured he was hung up there? A He was killed, yes, sir.
Q What I wanted to get particularly from you was whether there was any search made for him at the time he was killed or whether search was made for him after his escape, after the 26th of February? A There was no search made for Mackey until he broke jail.
Q No houses searched, nor no wagon's nor no nothing when he was first captured? A He was in jail. I don't think it was much over half an hour, I don't think it was any; he was in jail in not much over half an hour after he shot Hayford; I heard the shots that killed Hayford.
Q And you helped to arrest him? A Yes, sir, I got to Hayford before he died, but he was too far gone; I lit a match and he was too far gone to speak.
Q Had you known Hayford prior to that time? A Yes, sir, him and me was friends.
Q You was a friend of his? A Yes, sir.

H. C. JONES, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A H. C. Jones.
Q What is your postoffice? A Fort Scott.
Q Kansas? A Kansas, yes, sir.
Q What is your age, please, sir? A 66.
Q Were you holding any office in the town of Fort Scott, Kansas, in December of '66? A I was.

Q Well were you holding any office at the time a man by the name of Hayford was killed by Eli Mackey? A I was.
Q What office was that? A City marshal, called town constable.
Q You was a city policeman? A Yes, sir.
Q Did you assist in his first arrest? A I did.
Q Who assisted you in that arrest? A Mr. Benjamin Files.
Q This man that's present here? A Yes, sir.
Q Did you hear the shots that killed Hayford? A I did.
Q How soon after Hayford was killed was Mackey arrested, Eli Mackey? A 20 or 25 minutes, inside of a half hour at most.
Q Very short time? A Yes, sir.
Q Had any houses or wagons or anything of that kind been searched in the mean time? A No, sir, there was no knowledge.
Q People didn't generally know it up to that time? A No, sir.
Q Put in jail then? A He was taken right to the jail as soon as he was arrested, he was hurried off to jail for fear of any mob violence.
Q Well how long did he remain in jail, do you remember? A Why I think something like six weeks or more.
Q Well the Fort Scott Monitor puts it about February 26th? A I presume that that was right, it was correct. It was hard for me to remember exactly.
Q Well he remained in jail up to that time? A Up till that time, he was not out of jail except while he was under guard.
Q He make his escape then? A He made his escape, yes, sir, at the time.
Q You know how long he was at large? A Well I put it something like three weeks.
Q I will ask you if there was any searches at that time made for him? A You mean after?
Q When he got away after February 26? A Oh yes, sir, there was considerable hunt for him at that time.
Q Reward offered for him? A Yes, sir, reward offered.
Q People searched around in the country for him? A There was quite a number of both officials and independent searches, they would search for him for the first ouple of weeks of his escape from there.
Q He was afterwards captured was he? A Yes, sir, he was located afterwards, he hadn't been out of a radius of probably ten miles from there after he got away, he was captured.
Q Do you know whether this Eli Mackey was reputed to be a Cherokee colored man? A He was called a Cherokee refugee, yes, sir, had the reputation, that is his name, of being a Cherokee nigger.

COMMISSION: You are positive about these dates? A To the best of my knowledge now, I would have put it; that is, a week before the holidays, and I knew it was only a few days before Christmas when the killing was done.

Q '67? A In '66 the killing was done.
Q Few days before Christmas of '66? A Yes, sir.

MR. HASTINGS: The Cherokee Nation asks that all of the testimony introduced in the case of Aaron Webber, D-216; with reference to the return of the Webber detachment, be introduced and made a part of the record in this case.

MR. BROWN: Comes now the agent for the applicant, and moves the Commission to strike from the records of this case all the testimony taken on this day, for the reason that it is incompetent, irrelevant, immaterial and not the best evidence, it being purely hearsay.

COMMISSION: The request of the representative of the Cherokee Nation will be complied with, and the testimony filed.

This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: No. D-394, D-396, D-398,

D-401, D-402, D-404, D-407, D-775 and in D-391, the same being the case at bar.

Arthur G. Creninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Creninger.

Subscribed and sworn to before me this 14th day of May, 1902.

(Signed) Philip G. Reuter,
Notary Public.

(SEAL)

o-o-o-o-o-o-o-o-o

H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he made the above and foregoing copy and that the same is a true and correct copy of the original transcript.

Subscribed and sworn to before me this the 9th day of April, 1904.

Notary Public.

E. B. #18.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 20, 1902.

In the matter of the application of Edward Wright for the enrollment of himself as a Cherokee Freedman.

APPEARANCES:
Ben. J. Scoville, representing E. B. Lawson, for applicant.
W. T. Hastings for Cherokee Nation.

COMMISSION: The Cherokee Nation, by its representative, makes satisfactory proof of service on the applicant's attorney that it would, on the 20th day of May, 1902, introduce testimony tending to disprove the right of the said Edward Wright to enrollment as a Cherokee Freedman. The applicant this day appears by his attorney, E. B. Lawson, who is represented by Ben. J. Scoville, Nowata, Indian Territory.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Chambers Commission on citizenship as found on page 55 of a book taken from the records of the Executive Department of the Cherokee Nation, entitled "Docket of the Chambers Com'n on Citizenship," as follows:

"No. 85. Edward Wright (Ex. 7th of June.
vs. (Answer filed.
Cherokee Nation.

Judgment against claimant June 27, 1879."

The Cherokee Nation also offers in evidence from the same record as above, page 57 of the same, the following:

"No. 86. Major Wright
vs. (Ex. June 7th. Statement
Cherokee Nation. filed on 26th of June.
1st July set, 1st Aug.
set for trial.
Judgment against claimant June 27, 1879."

The Cherokee Nation offers in evidence the application made for citizenship in the Cherokee Nation by Lewis Whitmire on the 26th day of June, 1878, as found on pages 164 and 5 of book B, entitled "Citizenship record 1874," as follows:

"Before the Commission sitting at Tahlequah to try claims to Cherokee citizenship.
The undersigned claimant in the case of
Lewis Whitmire
vs.
Cherokee Nation
respectfully presents the following statement of his claim according to the requirement of the Commission.
Claimant claims under classification five of claimants in the law creating this Commission, that is, as a colored person formerly a slave owned by a citizen and resident of the Nation at the beginning of the late war, freed by law and made a citizen of this Nation by provision of the treaty of 1866. For
Claimant was at the time and place above said owned by George Whitmire, a Cherokee citizen, left the country during the war and returned in the summer of 1866 to select and prepare a home for his family (they being then without one) and again the following year

prosecuting the work as his circumstances and the condition of the country at that time prevented and leaving his family in the intervals of time when they could subsist without discomfort and exposure and until a removal of them was practicable which removal of claimants finally was accomplished to the point of the Nation settled by claimants for theirs and his home in the spring of 1867.

Claimant's rights have been called in question by competent authority, and he therefore presents them to the important examination of this Commission as are authorized so to do by law.

This June 26, 1878.

Lewis Whitmire,
By W. P. Boudinot, Atty."

The Cherokee Nation offers the following from the same book and continuing on the same page, the application of Moses Whitmire as follows:

"Before the Honorable Commission sitting at Tahlequah to try rights to Cherokee citizenship.

In the case of
Moses Whitmire
vs
Cherokee Nation,
claiming Cherokee citizenship.

Claimant claims under the fifth specification of the classes of claimants to citizenship as found in the law creating this Commission to wit as a colored person formerly a slave owned by one George Whitmire, Cherokee citizen, resident in this Nation, at the beginning of the late war, and freed by law and made a citizen by provision of the treaty of 1866. Claimant respectfully refers to the statement made by claimant Lewis Whitmire as embracing the facts which the present claimant would submit to the Commission as the grounds of his claim.

Respectfully submitted,
Moses Whitmire.
By W. P. Boudinot, Atty."

June 26, 1878.

The Cherokee Nation offers in evidence from a book taken from the Executive Department of the Cherokee Nation entitled "Register of evidence before court of Commission Chambers Court, Book A," page 239, case No. 60, as follows:

"Case 60.

Aaron Whitmire, }
vs }
Cherokee Nation. }

Tahlequah,
July 3rd, 1878.

Mike Fields a witness for claimant called & sworn.

I am I think I am about 47 years old. I live in Illinois District, C. N. Am a citizen of the Nation. I have been on the doubtful roll but had my rights proven up before the Supreme Court. Am a citizen under the treaty of 1866. I went north to the state of Kansas in '62. I returned in August - 21st or 22nd, 1866. I left my family in Fort Scott when I came. I came down to get on a claim. I staid about three weeks that time, and then returned to Fort Scott. After I returned to Fort Scott there were others who started down, the Whitmires were of that number. The claimant was one of them. They came down along in Dece. 1866. They returned to Fort Scott before I left there. I left Kansas about the 2nd week in January 1867 and got to the crossing of the Neosho river about the last of January. When I first came down there was about 15 in the party. They left their families in Kansas when they came down here.

There was some of party came with the Whitmires who piloted the Whitmire party and my party were Sam Webber, Mike Daniels,-Sam Webber, Jr., Aaron Webber, Reubin Sanders, Tuck Sanders.

The Whitmire party proper were Aaron, Lewis, Rose, Dennis and Nelson Whitmire and others that I do not recollect. The object of this party coming was for the purpose of erecting homes. When I moved with my family I stopped on pryors Creek at Mrs. Alberty's and remained about two weeks. The reason we left that part of the country was because that part of the country was too sparsly settled and bare of subsistance. As I was coming down the first time we were overtaken by the Cherokee Delegation. There were some who came here were authorized by others to locate claims for them, one was by McKey requesting Abe Fields to locate for him. The original request filed.

Cross Examined.

I cannot remember the date I arrived here the first time from Kansas. The claim I made we got three sets of house logs, hauled them and piled them up, some of the men put up houses. I did not put up a house. I started back to Kansas about the middle of September. When I first left the country it was in February, 1862. I was a slave before the war and was owned by Sam Tayler when the war broke out. He was living on Greenleaf near Brushy Mountain on this side Arks. River. When the Whitmires returned to Fort Scott I do not know when they left there to come to this country as I left them there when I left. It was reported when they returned to the nation that the Whitmire party had built houses. But I do not know this myself as I was not along. I only heard they had. The war closed in 1865 I think. I did not know it myself but people told me who could read.

I did not know myself that it was the month of Aug. when I came here first, but I was told it was that time.

Re Direct.

It was the December following the time I first came down that the Whitmires came down first to select and improve claims.

Mick x Fields
his mk.

Aaron Whitmire)
) August 1, 1878.
vs.) Bluford Alberty, witness for claimant
Cherokee Nation.)

called and sworn.

I reside in Cooweescoowee District, C. N. I am a native Cherokee citizen. I left the Nation during the war. I returned to the Nation on the west side of Grand River, Cooweescoowee District, on the 3rd of Sept. 1866. I had occasion some time in the last of October or the first of Nov. or probably it might have been as late as the middle of November, to go out to the Verdigris. I went out to the salt creek on the Verdigris. While out there I fell in with a party of seven or eight persons who were camped with others near Sam Couches. I did not go to the camp. They were colored people. I know most all of them. Their names were old Sam Webber, Aaron Whitmire and a younger brother and Lewis Whitmire.

There was another person whom I was told was a Landrum. I do not recollect any of the others and cannot identify them. The Whitmires were Johnson and George Whitmire, Aaron, Lewis and his mother Bee Longed to George. In conversation with Sam Webber he asked me if I knew anything about the treaty and if Jim McDaniel had got home. I told him I had not seen the treaty but had heard rumors about it. He told me that they had come to pick themselves homes or make claims and that he was the leader of the company and the reason why Major Whitmire did not come was that he was an old man, but that he had sent his son down to work for him and make him a claim. He then asked what chance there was to get provisions over on the river.

I told him there was none there, but that there was a lot of condemned flour at Gibson and if they would go there they might get some. He also represented that they had come down to make claims for others, who had remained in Kansas, to build them houses &c. They also stated that they were notified to come, and that they had accordingly come to make claims for themselves and the others that they left behind in Kansas. As near as I can recollect it was sometime in October or November that I saw these parties. It was not very cold weather at the time. I recollect as I camped out at night. Did not see any of the parties after this time May 1867. There was no provisions to be had in this country at that time. Provisions were very scarce. It was my understanding that they had come to prepare homes for themselves and families. They told me so at least. Major Wright belonged to Cornelius Wright before the war.

Cross Examined.

I heard after this that some of them went back to Kansas. At the time I meet them I do not know whether their families were with them. I did not suppose their families were with them. I think I seen Dennis Whitmire with this party, but am not certain of seeing Dennis or Nelson. I know their was four of the Whitmire boys. They were owned in the Nation and resided here up to the breaking out of the war.

D. W. Alberty.

Aaron Whitmire
vs
Cherokee Nation.

I know Melissa Ratliff. She was twelve or thirteen years old at the close of the war. She was living with me then and still lives in my family. Jack Landrum was one of the band above referred to, also Ransom Daniels. I learned from our leaders Uncle Mike and Sam Webber that the Cherokee delegates advised us to settle in a compact body on unoccupied lands. We crossed the Neosho in coming down at McClane's Ferry in 1866. The chief ferryman who crossed us was Bill Martin.

While on Lightning Creek in 1866 I saw Mr. Alberty but had no conversation with him, but Sam Webber had in my presence.

Cross Examined.

I am a claimant before this Court for citizenship. I am a half-brother of Aaron Whitmire, Louis, Dennis and Nelson are also my brothers. Mariah Whitmire is my sister. Major Wright is my step-father. The names of the party that came with me to the Nation are as follows: Mike Sanders, Sam Webber, Peter Meigs, Bill Foreman, Tuck Sanders, Ransom Daniels, Sam Webber Jr., Louis Whitmire, Nelson Whitmire, Dennis Whitmire, Aaron Whitmire is all I recollect now. Witness and my brothers were authorized to make claims for others still back in Kansas. Dennis made a claim for Major Wright. I can't name any others. Witness was a man of family in 1866 when we came on from Kansas. My family was at Fort Scott. Melissa Ratliff, Ed Wright, and my wife and myself composed my family. Louis had no family. Aaron and Nelson did. Major, Man, Nelson and Allen were Aaron's children and his wife Sarah. They were left, the wife and children in Fort Scott when we came in 1866. Eliza Sanders, Thos. Sanders were Nelson's family and back at Fort Scott. We went back 1st January 1866 to Kansas after coming to the Nation. When witness returned in 1867 to the Nation Aaron, Louis, Nelson, Dennis, Ransom Daniels, Tuck Sanders, Peter Meigs and the families of those who had families all came as I did besides others not particularly remembered. This was the first time any of our families had been to the Nation at least mine, Aaron's and Nelson's.

The first time Mariah Whitmire was in the Nation after the war closed was after our party returned in families in 1867.
The first time Major Wright returned was on our first trip in 1867. Mallison Ratcliff was owned by one Alec Ratcliff at breaking out of war. She first came in March 1867 to the Nation along with me when I moved. Jack Landrum was along in 1866. He was a slave at the beginning of the war. I was present during the examination of Mr. Alberty as a witness in this case.
Re direct.
Mariah's family at close of the war was a separate family. Harry Whitmire, her son, represented his mother on the first trip in 1866. Witness is about 53 yrs. old. Major Wright was an old man at the close of the war. Louis Whitmire had been back to the Nation before 1866.

his
Moses x Whitmire
mark

Attest
D. L. Nicholson,
Clerk.

Case 63.

Aaron Whitmire & family
vs
Cherokee Nation.

Claiming citizenship.

Now comes claimant by Atty before the Commission sitting at Tahlequah to try certain claims for citizenship in the Cherokee Nation and makes this his statement of the grounds for his said claim to wit -
Claimant is a colored person and claims as aforesaid under privilege of the fifth specification of the classes of claims referred by law to the Commission to examine and decide rights by competant authority having been denied citizens.
Claimant belonged to Geo. Whitmire a Cherokee citizen at the commencement of the war of the Rebellion and was then living in this Nation. After the beginning of said war Claimant moved to or the vicinity of Fort Scott with his family at which location he resided until the Summer of 1866 when he returned to this Nation and proceeded to select and improve a home on the Virdigris River for himself and family's permanent residence.
While he was thus making preparations for the removal of his family by providing for their habitation and subsistance at the place mentioned they his family remained where they had been sojourning during the war.
Claimant was compelled by unfavorable circumstances and the attention he was obliged to bestow upon his family to remit his work upon his improvement on Virdigris River from the early fall of 1866 to the early winter of the same year, when he resumed labor upon his improvement, after which he moved his family as soon as practicable to wit in the spring of the year of 1867.
Claimant claims to have returned to this Nation in his own person and as representative of his family within the time provided for by treaty, in that having no residence to come to as other former citizens he did everything possible to constitute a return consistent with the duty he owed to his family by laboring as far as his means allowed to provide a home in this nation.

Respectfully submitted,
Aaron Whitmire,
By Atty Wm. P. Boudinot.

Aaron Whitmire
vs
Cherokee Nation.

August 1st, 1878.

Wm. Martin witness for claimant called and sworn.
I live on Big Creek, Sequoyah District C. N. I am a citizen of the

Nation. From August up to Christmas 1866 I was at the Ferry on the Neosho River on the old Millitary road leading from Fort Scott Kansas to Fort Gibson, C. N. Am acquainted with claimant and his brother, Lewis, never knew Aaron until I meet him at the river. Lewis I knew pryor to that time. While I was in charge of the Ferry I recollect having meet claimant and Rose, Lewis, Dennis and Nelson, Whitmire, Peter Helgs, Like Sanders, Sam Webber, and Young Sam, Bill Foreman and others but I do not recollect anything about them. They were traveling. They stated they were coming from Fort Scott Kans, they were travelling from the direction of Fort Scott. I crossed them from the Shawnee side of the river into the Cherokee Nation, they inquired the road to Big Creek. McLean gave them the directions to the head of Big Creek. They stated the reason why they were coming was that the Cherokee Delegation had invited them to come back under the treaty. They mentioned Jim McDonald as the principle one who had invited them and they were then on their way to select themselves homes.

It was after the Delegation returned that I meet claimant and the others spoken of it was pretty cold weather when I crossed them. It was as near as I can recollect about the last of October 1866. I am positive it was before Christmas at I left them at Christmas or probably a few days before Chriswmas.

Cross Examined.

I was not acquainted with claimant nor any of the others named previous to the war.

I do not know who owned before the war. I do not know whether they had lived in the Nation previous to war. I do not recollect of seeing any of the families of the parties named at the time, I crossed them over the river. I set some of this same party back over the river a short time after they had come in, Lewis, Nelson and Dennis Whitmire and little Sam Webber and I think they were more who cressed back but I cannot place them now. I learned the names of the parties from conversation with them, but did not become particularly acquainted with their names at that time. I think there was one woman with the party, I think she was with Little Sam Webber though I would not be right positive that there was a woman along or not. I am positive there was no children as I never seen any. They had camped there long enough that were they any women and children I would have known it. The next time I saw claimant was in the fall of 1867 on Big Creek. I learned from them that they had got there in March 1867. I know this from having heard it generally talked amongst themselves.

Re Direct.

At the present time the distance between our settlements is about 5 miles. I recognize the claimant and the other parties spoken of. I have been there frequently since that time. I set them over the river. When I saw them in the Fall of 1867 they had their families with them then. The means of subsistence at the time I crossed in the country at that time was short.

William Martin.

Aaron Whitmire)
vs) July 4" 1876.
Cherokee Nation.)

Wm. McCracken for claimant.

Witness met claimant near Fort Gibson in Novr. or Decr. 1866. Met him at the ferryboat on Grand River.

Witness had a conversation with claimant at the ferry in which claimant said he was on his way to Going Snake his former home in the Nation and seven of claimants Brothers were behind on the road.

Witness is a citizen of this Nation and knew claimant before the war.

Wm. McCracken.

Attest:
T. L. Micholson, Clerk.

Aaron Whitmire,
vs
Cherokee Nation.

Bluford Alberty

George Whitmire before the war lived in Going Snake Dist. This Dist. borders on the line of the state of Arks.

Claimant now resides near the western line of the Cherokee Nation. The settlement before the war was sparse where claimant now resides. I would say the distence from where George Whitmire resided prior to the war, and claimants present residence is 90 or 100 miles. Witness states that he had a conversation with Sam Webber in which Webber assigned as a reason for settling where he had was that Agent Jones advised the colored people after their freedom to settle in Colonies for as thickly as it was convenient to do in an unoccupied part of the Country.

This was thought best for the colored man as they could have their own schools &c untill matters were more regulated in the Country.

The first conversation was in the fall 1866. The second conversation was in the Spring of 1867. I saw several of their families in May 1867 on Big Creek or Lightning Creek in the Nation. The home of Claimant is in the same locality as that at the time mentioned above. In Oct. or Nov. 1866 I gave Claimant and other colored men permission to occupy two old fields in that neighborhood for the purpose of raising crops the year following. Louis Whitmire is the name of the other man. I also permitted to go on the old field. The Spring of 1867 I saw Aaron & Louis Whitmire at work on the two fields spoken of. This settlement of colored folks has the character of quiet industrious and law abiding citizens or much as any in the Nation. Some of these people have large and good farms all made by themselves since the war.

Witness with a party of six gentlemen in the fall of 1866 saw this colored party who settled on Big Creek afterwards in the neighborhood for the purpose as they said at the time of selecting their homes. Several claims was then in sight of witness which the colored party said they had selected and are now the homes of the party above indicated.

Agent Jones was at the time advising said Col party. A Delegation for the Cherokee Nation at Washington. There were parties as witness learned from one of them who wished to expel or drive off from their claims this colored party at the time they were prospecting the country. This was advised against by witness and it was not done or carried out. Witness' party spoken of above was composed of Cherokee citizens except one colored man. I am the sole survivor of this party except the colored man and possibly one other. Occupation of witness is hearding wild Cattle. I travelled a good deal in that neighborhood at that time spoken of.

"Continued on page 283."

Aaron Whitmire et als) July 16th 1878.
vs)
Cherokee Nation.) John Riley,
sworn as witness for Deft. I live in Coowescoowee Dist. I first moved there in 1852 and have continued to reside there except in time of the war. I came back in the month of August 1866 to the Nation. I knew Aaron Whitmire. He returned or came to the Virdigris River to live in the month of March 1867. Also came at the same time Peter Haigs, Mike Sanders, Sam Webber, Billy Foreman, with their families and others whom I don't recollect. Claimant made a crop that spring in 1867 on an old place of Aaron Sandrum. He had settled no other place before that.

Cross examined.

I don't know of any Colored heads of families coming in to the

nation in the month of Decr. 1866 to locate homes but I know of some who came in Sept. '66 for that purpose. I knew where Aaron Whitmire lived at this time. I was near Coody's Bluff in Decr. '66. I live on the west side of the River. Claimant lives and settled on east side of the river. If any heads of families came in Decr. 1866 I never heard of them. I never knew of Blueford Alberty being in that part of the country in 1866 in the party who came down in Sept. 1866. Aaron Whitmire was not along but Mike Sanders, Sam Webber, Colbert & perhaps Billy Foreman. Moses was not along. Dennis was not along as I know of nor Mariah nor Major Wright nor Nelson Whitmire that I know of. If any such party had come down i Decr. 1866 I think certainly I would have known it.

John Riley.
Randolph Riley. (Page 283)

About the middle of May 1867 I first saw this party with their families at their new homes. Claimant and others of this colored party told witness they returned in March 1867 to the Nation.

Re Direct

I learned from John Coker that most of the Colored party returned to Kansas after their families and a few remained. I was at General Convention of the Cherokee people in 1866. It was witness' understanding the purpose of said convention was to ratify the treaty of 1866. I think the object of the convention was to ratify amendments to the Constitution under the treaty and to ratify the treaty. The treaty was concluded the 9th of Aug. 1866 is my information. It might have been July 19, 1866.

Witness went south during the war. J. B. Jones was not at the time herein mentioned U. S. Agent but was a Delegate and was Agent afterwards.

B. W. Alberty.

Attest
D. L. Nicholson,
Clerk.

Aaron Whitmire)
vs.) Tahlequah May 16, 1876.
Cherokee Nation.)

This day comes John F. Lyons Atty for Cherokee Nation and denies all and singular the allegations of Claimant contained in the above named case.

John F. Lyons,
Atty for C. N."

Arthur G. Creninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Creninger.

Subscribed and sworn to before me this 2nd day of June, 1902.

(Signed) P. G. Router,
Notary Public.

(Seal)

H. B. Tuttle, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the above and foregoing copy and that the same is a true and correct copy of the original.

H. B. Tuttle

Subscribed and Sworn to before me this the 30th day of November, 1903.

Edward M. Lawyer
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., April 4, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application of Minta Vann for enrollment as a Cherokee freedman.

It appears that on the 25th day of February, 1904, the applicant and the Cherokee Nation were duly notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on April 4, 1904, and then and there to introduce further testimony touching matters stated in said letter.

APPEARANCES:
Applicant appears in person.
Cherokee Nation by its Attorney, W. W. Hastings.

MINTA VANN, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Minta Vann.
Q How old are you? A Can't exactly tell; there it is down on paper (witnessiproduces paper).
Q 45 years, is that right? A Yes, sir.
Q What is your postoffice? A Choteau, I. T.
Q You are the wife of Jim Vann? A Yes, sir.
Q You claim right to enrollment as a Cherokee freedman, do you? A Yes, sir.
Q What was the name of your father? A I was small; I don't know.
Q Do you know the name of your mother? A Mandy.
Q Were your father and mother Cherokee freedmen, slaves of Cherokee citizens before the war? A Yes, sir.
Q When did they die? A They died when I was small.
Q Both died when you were small? A Yes, sir, hardly recollect it.
Q Did they die before the war or after the war? A They died, I think, before the war.
Q Who were you living with at the time the war broke out, if you know anything about that? A I don't remember about that.
Q Who were you living with when you can first remember? A When I first remember, I recollect when I come back from Kansas, I remember living with my uncle.
Q What was his name? A Peter Meigs.
Q Who did you come back from Kansas with? A Peter Meigs.
Q Do you know when that was? A They said somewhere about '66; I don't know; I was small.
Q Where did you come to when you came back with Peter Meigs? A On Big Creek.
Q Where have you lived since that time? A Cherokee Nation.
Q Never been out of the Cherokee Nation since the time you came back with Peter Meigs? A No, sir.
Q In your testimony given before the Commission on May 18, 1901, you said your parents were the slaves of old Joe Vann, you don't know

anything about that of your own knowledge, do you, you just heard they were the slaves of old Joe Vann? A I guess so, it wasn't old Joe Vann, my parents, I think, was Dave Vann-----I don't know; them witnesses know; I don't; I was just a kid; they know; I don't.

By Mr. Hastings:
Q When did you first see Jim Alberty? A Jim Alberty?
Q That is the question. A When did I first see him?
Q That was the question; that's English. A More than I can tell.
Q How long after you come back before you first remember seeing him?
A I seen him up on Big Creek.
Q How long ago? A I don't know how long ago.
Q How long had you been back up there before you saw him? A From, Kansas?
Q Yes. A They said it was in '66.
Q How long had you been back there before you saw Jim? A I don't know.
Q Did you see him before you were married? A Yes, sir.
Q Where do you first remember of ever seeing him, now? A Well, I think when I seen him he was up on Big Creek.
Q Was he living up there? A I don't know.
Q Were you married? A No, sir.
Q How old were you? A I don't know.
Q Have you got any idea? A I know I was a young woman.
Q You were 16 or 17 years old, then, when you first saw him, is that correct? A I don't know.
Q Did you come back when Peter Meigs brought his wife and children?
A They said I come with Peter Meigs.
Q You don't know of your own knowledge? A That is what they have been telling me. I know I was living with him.
Q You don't know, then of your own knowledge just when you come back? A They said it was in '66 is all I know.
Q You are willing to swear it just because they said it, are you? A I don't know whether I am or not.
Q You didn't draw any money in '66, did you? A No, sir.
Q You have never drawn any money in the Cherokee Nation, have you?
A No, sir.
Q You are not on a single roll in the Cherokee Nation, are you?
A They say I am not.
Q Why didn't you apply to be placed on the Kern-Clifton roll in '96 if you are entitled to draw money? A Didn't have sense enough, I guess,---
Q None of these witnesses, nor your husband, nor any of them at that time knew that you were entitled to citizenship? A I guess they didn't.
Q Who are these witnesses here that are going to swear who your parents belonged to? A Can't tell you that.
Q Were you and they just now consulting about it? A I can't remember, I think----
Q Who did they say you belonged to? A I don't know.
Q Don't you remember of having talked with them about ten minutes ago, when I passed you out there in the hall? A I remember their saying Dave Vann.
Q Down stairs about ten minutes ago? A Yes, sir.
Q Who did they say your parents belonged to, Dave Vann? A That is the way it sounded to me; said Dave Vann.
Q You don't know what they said them, do you or not? A No, I don't know.
Q Then you don't know who you are going to try to prove that your parents belonged to? A Who, them witnesses?
Q Yes, who are you going to try to prove by them witnesses that your parents belonged to? A I don't know.

Q Who do you claim you belonged to before the war? A I don't know who my folks belonged to.
Q Well, who did you belong to? A I don't know.
Q Who are you going to try to prove that you belonged to? A I don't know.
Q You were born some two or three years before the war, according to your testimony, is that correct? A I don't know.
Q You say you are 45 years old, and that would have made you born in either 1858 or '59? A (No response).
Q Where were you married to Isam Buchanan? A At Timbered Hill.
Q Who married you? A Old man Fred Martin.
Q Where did you and Buchanan live together? A First stayed at Millie Fry's.
Q Where did you and Dave Johnson marry? A At Vinita.
Q Did your mother die before the war? A Don't know that.
Q Do you ever remember of seeing your mother? A No, sir.

JOE ROSS, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Joe Ross.
Q What is your age? A I am about 53 or 54 years old.
Q What is your postoffice address? A Choteau.
Q You are an applicant for enrollment as a Cherokee freedman, are you? A Yes, sir.
Q Do you know this woman here, Minta Vann? A Yes, sir, I know her.
Q How long have you known her? A I have been knowing her ever since the winter of '66.
Q Did you know her parents? A No, sir.
Q You never knew anything of her before the winter of '66? A No, sir, not before then.
Q Where was she when you first got acquainted with her? A She was on Big Creek at Peter Meigs'.
Q That is in the Cherokee Nation? A Yes, sir, Cooweescoowee District.
Q That was what time of the year? A It was along a few days before Christmas when I recollect of seeing her there.
Q In the month of December? A Yes, sir.
Q In what year? A '66.
Q Was she living there or camping or what? A She was stopping there with her uncle, Peter Meigs.
Q Do you know where they had come from? A Kansas.
Q Do you know how long they had been there? A We had all started from Kansas, and they had got there a little before we did.
Q Do you know how old this woman is? A No, sir, I have no idea.
Q Do you know whether or not she or her parents were slaves before the war? A No, sir, only just what I hear; I don't know that.
Q Have you known her continuously since '66? A Yes, sir.
Q Where has she lived since that time? A She is living now on Brushy Creek about three miles from me.
Q How long has she been living there? A Some four or five years.
Q Has she ever lived outside of the Cherokee Nation since you first got acquainted with her? A Not as I know of.
Q Have you known her and known of her all the time since '66? A Yes, sir.
Q Would you have known it had she been out of the Cherokee Nation to live since that time? A She never did to my recollection.

Q What is the name of her present husband? A Jim Vann.
Q Has she been married before that time? A She had been married before that.
Q What was the name of her first husband? A I have seen him, but don't know his name.
Q Has she been married more than twice? A Not to my knowledge.
Q About how old do you think she was when you first saw her in '66, on Big Creek? A She was just a young strip of a girl; I don't think she was a bit over, along about 10 or 12, I would judge.
Q How long did you know her after living there on Big Creek with her uncle? A I stayed there, myself, some four or five years, when I came down here to Fort Gibson.
Q She was still single and living with her uncle when you left there? A Yes, sir.
Q When did you see her again? A In Vinita.
Q When was that? A That was about '89.
Q Where was she living then? A She was living in Vinita. I suppose so; I was holding a revival there in Vinita.
Q Was she married at that time? A I don't recollect whether she was or not; she didn't say and I didn't inquire.
Q Then when did you see her again? A I seen her again on Lightning Creek, in Cherokee Nation.
Q When was that? A That was during the Clifton and Kerns court.
Q Do you know where she was living then? A No, sir, I don't know; she was living down below Wagoner somewhere. She came from my settlement when she was come to the enrollment.
Q Did she apply for money? A Not to my recollection.
Q Do you know any reason why she didn't apply? A No, sir.
Q Did you know at that time that she was a Cherokee freedman or claimed to be? A Yes, sir.
Q Has she always claimed to be a Cherokee freedman since you first knew her? A Always have.

By Mr. Hastings:
Q Did you know her name wasn't on the 1880 roll? A Not to my knowledge.
Q Did you know her name wasn't on the Wallace roll? A Not to my knowledge.
Q Did you know her name was not on the Kern-Clifton roll? A Not to my knowledge.
Q Did you know that her name wasn't on any other roll of the Cherokee Nation? A Not to my knowledge.
Q You don't remember her first husband's name? A No, sir.
Q Do you think you would know it if I should speak it to you? A Probably I would know it from observation from what I hear.
Q Was it Roswell Mayberry? A No, sir, I don't remember him.
Q Was it Isam Littlejohn? A Don't remember him.
Q Was it Buchanan Johnson? A Don't remember him.
Q Don't remember Buchanan? A No, sir, I only knew her son that they call sometimes Houston Buchanan.
Q Don't you know as a matter of fact that she had been married twice before she married Vann? A Not as I know; I knew she has been married twice; I don't recollect her husband's name.
Q When you first saw her on Big Creek, when Peter Meigs had his family all there? A Yes, sir.
Q In a little house? A Yes, sir.
Q His wife and children were with him? A Yes, sir.

Q Some other women and children in the neighborhood were there?
A Yes, sir.
Q Lots of them? A Yes, sir.
A At that time? A Yes, sir.

JIM ALBERTY, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Jim Alberty.
Q What is your age? A I must be 72 or 73.
Q What is your postoffice address? A Checteau.
Q You are an applicant for enrollment as a Cherokee freedman, are you? A Yes, sir.
Q Do you know this woman here, Minta Vann? A Yes, sir.
Q How long have you known her? A I knew her when she was quite a child; don't know how long.
Q Did you know her parents or either of them? A Yes, sir I knowed her mother well.
Q What was her mother's name? A Mandy.
Q Mandy what? A Vann.
Q Was she the slave of a Cherokee citizen? A Yes, sir.
Q You didn't know the applicant's father? A No, sir.
Q Do you know who Mandy Vann belonged to before the war? A Yes, sir.
Q Who? A Dave Vann.
Q He was a recognized citizen of the Cherokee Nation, was he?
A Yes, sir.
Q Where did he live before the war? A Right on Grand River, in Saline District.
Q Do you know how old Minta Vann is? A No, sir.
Q You don't know whether she was born before the war or since the war or during the war? A She was born since the war------no, Minta was the child, the best of my knowledge she was a child before the war.
Q When the war broke out? A Yes, sir.
Q About how old was she when the war broke out? A She couldn't have been over 5 or 6 years old; she was quite a child.
Q Do you know whether or not she and her mother, Mandy Vann, went out of the Cherokee Nation during the war? A Yes, sir, they went out.
Q Do you know where they went to? A No, sir, I don't know just where they went.
Q Did Mandy Vann and this Minta come back just after the war?
A Minta come back and Mandy didn't; she died.
Q She died outside of the Cherokee Nation during the war? A Yes, sir, she died, I believe, up in Kansas. She never come back here.
Q Who did Minta come back with? A I don't know who she come back with. I saw her in the winter of '66 at her uncle's, Peter Meigs, on Big Creek. I don't know who she come back with.
Q What time of the winter was that, what month? A It was [redacted] a few days before Christmas; I don't know hardly what month; it was a few days before Christmas.
Q Was Peter Meigs living there and this girl was living with him?
A Yes, sir.

Q Did he have a place there, a house? A Yes, sir, a kind of a house.
Q Do you know how long he had been there? A No, sir, I don't know exactly, not a great while.
Q Did he have his family and all of his household goods with him? A Yes sir, he had his family, I don't know how about his goods.
Q Do you know how long this woman continued to live there on Big Creek, with Peter Meigs? A No, sir, I don't.
Q After you claim to have seen her in the winter of '66, on Big Creek, when did you see her again? A I saw her a year, or maybe longer, at Andy Fry's on Grand River.
Q Was she living with Andy Fry? A Yes, sir.
Q Was she married then? A No, sir.
Q Have you known of her ever since you saw her on Big Creek? A Yes sir, not continuously, but ever since that she was here.
Q To your own knowledge has she lived outside of the Cherokee Nation since you saw her on Big Creek? A No, sir, not that I know of.
Q How many times has she been married? A I don't know.
Q What is her present husband's name? A Jim Vann
Q Do you know how many children she has? A No, sir, I don't know.
Q Do you know how many she has now? A She has got two and they is all that I know of.

By Mr. Hastings:
Q If she was ever married before you don't know it? A No, sir.
Q You never heard of it? A No, sir.
Q You never heard of her being married except to her present husband Jim Vann? A No, sir.
Q You never saw her before her marriage to Jim Vann? A Yes, sir, I saw her ever since she was a child.
Q How old was she when you saw her before the war? A Five or six years old, I reaken.
Q Who did she belong to before the war? A Dave Vann.
Q Who did she belong to when the war come up? A Joel Mays' widow.
Q You are certain this applicant belonged to Mrs. Mary Mays, Joel Mays' widow, when the war come up? A Yes, sir.
Q This is the same Jim Alberty they nicknamed "Sheep"; they call you "Sheep" sometimes don't they, Jim? A Yes, sir.
Q How long before the war was it you sold out and--- A Never sold out at all.
Q You testified that you left here before the war in your own case? A I didn't do it.
Q Didn't you testify that you went south before the war? A They took us all south.
Q When was that? A In '62, they told me.
Q You still deny that John Alberty sold you out before the war? A Yes, sir, I still deny it.
Q Where did you join the Army? A I joined it at Little Rock.
Q There is where the witnesses that testified against you swore that you were sold, didn't they? A Yes, sir.
Q You have been telling in your testimony that you were taken to Texas? A No, I aint.
Q Well, to the Choctaw Nation--Red River? A Yes, sir.
Q Now, if you were taken to Red River how did you happen to go clear down to Little Rock to join the Army? A I just went there.
A You can't read or write? A I know I can't; that don't hinder me from travelling.
Q How did you know where to go to? A I didn't know; I just got on the Little Rock road and went there.
Q Why did you start to go to Little Rock? A To get out of the way.
Q You didn't know where Little Rock was? A I know I didn't.

Q Did you not swear that you didn't speak to anything between there and Little Rock? A Yes, sir, I swore that.
Q You testified in a good many freedmen citizenship cases, haven't you? A Yes, sir, in all that I know.
Q You are the same fellow that testified that you saw Walker Johnson crossing the Arkansas River here in a boat in '66, when you had been over here at Muskogee, and bought some tobacco here, didn't you? A Yes, sir, I swore that I passed here and there was a store here and I bought some tobacco.
Q That was in '66? A Yes, sir.

GEORGE VANN, being first duly sworn, testified as follows:

Q What is your name? A George Vann.
Q How old are you? A I don't exactly know.
Q About how do you think you are? A I am near 60.
Q What is your postoffice address? A Choteau.
Q Are you an applicant for enrollment as a Cherokee freedman? A Yes, sir, I suppose so.
Q Do you know this woman, Minta Vann? A Yes, sir, I know here, yes, sir, I sho' do, yes, sir.
Q How long have you known her? A Well, I have been knowing her along about-- just a little before they went to making the regiments in the Creek Nation.
Q Before the war? A Yes, sir, just before the war.
Q What was the name of her father? A Her father, well her father belonged to, he was a Creek darkey; his name was Peter, and belonged to--------McIntosh's sister and lived on Verdigris on the right side of the road going to Gibson.
Q What was the name of her mother? A Mandy.
Q Mandy who? A Mandy Vann.
Q Who did she belong to? A She belonged to Chief Mayes' wife.
Q What Chief was that? A Chief Mayes that died up there, Joel.
Q What was his wife's name? A Mary.
Q Did you know whether or not Mandy Vann and her child, Minta, were taken out of the Cherokee Nation during the war? A Yes, sir, we all go out, yes, sir.
Q Where did they go to? A They went to Kansas; they took us to Kansas. The Creeks come down and told us to go out and they took us. Said if we didn't want to go they would kill us.
Q Do you know when Mandy and Minta Vann came back to the Cherokee Nation after the war? A Mandy she died up there and this girl she remained there, but I saw this girl in '66, and I told her this was the year of '66, and says, "when are you going down?" And she says, "I am going down right away," and these people on Big Creek was talking about leaving.
Q Leaving where? A Leaving Kansas, coming on in '66, and I was working for some whits folks and I went on back to work and I told the men that I wanted to get a horse from him; that if I didn't get here in '66, I would lose my rights. At last the old lady says, "George, this is the year of '66," and I says, "I don't know that" and she says, "You go, you don't know that." I says "I don't know any figures, and I don't know" and she says, "How is '66?" and the folks was owing me, and I says, "I want a horse," and they me have it and I come right on directly after I seen kim.her.
Q What time of the year was it when you had this talk with this girl? A It was along near the middle of '66. I saw Meigs a couple of days before that and he says we have plenty of time to make it, and he says we can make it in three days steady drive.
Q Was this girl living with Peter Meigs up there at that time? A I don't know, when I came along by Peter's she was there.

Q What size girl was she then? A She looked like she might be about that high (indicating).
Q About how old did she look? A I never thought of such a thing.
Q Well, a girl that high, how old do you think she would be?
A I think about 16 or 17 years old.
Q That was in the fall of '66? A Yes, sir, just like you would say a young woman.
Q That was when you saw her in Kansas at Peter Meigs' house? A Yes sir, she come down to where I was staying and said she had come to stay with Aunt Charlotte a while, and I says, "When are you going down?" And she said, "Right away," and I left soon afterwards and that's all I know about it. I don't know whether she come that time or afterwards.
Q George, you said she was born just before the war? A She was born just before they made up them regiments.
Q When did you first see her in the Cherokee Nation after the war?
A When I was coming up by Peter's.
Q When was that? A I don't know.
Q Was that in the year of '66? A Yes, sir.
Q What month? A I don't know, because I can't read and don't know any figures.
Q Was it before Christmas or after Christmas, cold weather? A It was tolerably cold weather, along about Christmas, aint positive, but think it was; that's all I know about it.
Q Have you continued to know Minta Vann from that time until now?
A Yes, sir.
Q Do you know where she has lived all that time since '66? A I don't know exactly, only just what I hear.
Q You don't know whether she has lived out of the Cherokee Nation since that or not? A No, sir; I don't know only what I hear.
Q What is your present husband's name, do you know that? A They call him Jim Vann. He lives there close to me.
Q How many children have she and Jim got? A She aint got any children by Jim Vann.
Q How many children has she got? A I never have asked her, but I think she has got a girl and a young man about 17 or 18 years old; don't know exactly about age.
Q How many times has Minta been married? A Don't know that. She come in Vinita one time with a little fellow, and I asked if she was married and was told that was her husband that is with her; that's all I know.
Q Do you know who that man was they said was her husband? A No, I don't; didn't ask any questions.
Q You have known very little of this woman since '66, then? A Yes, sir, she lived up east in the Cherokee Nation and I live down South.

By Mr. Hastings:
Q She was getting to be a good sized girl sorter sparking, when you knew her in '66? A Yes, sir, that's it, a pretty good sized girl,
Q Looked like she was 16 or 17? A Yes, sir, I guess that's it.
Q That is your best judgment? A Yes, sir.
Q Uncle, what year is this? A I just tell you how it is-----
Q Do you know, say yes or no? A I know less I go to some one and ask him, no, sir, I don't.
Q Do you know what month this is? A This is March.
Q Do you know what year you applied to the Kern-Clifton to be enrolled so as to draw a whole lot of money? A No, sir.
Q Do you know what year Wallace came down here to make a roll, so you could draw money? A No, sir no more than they tell me.
Q Have you ever been married? A No, sir.

Q What year come before '66? A That ought to be '65.
Q Are you willing to swear it? A No, sir.
Q Are you willing to swear what year come after '66? A That ought to be '67.
Q Are you willing to swear it? A No, sir, I am just guessing at it. It aint right to swear it.
Q You don't know one year from another? A No, sir, unless some one tells me.
Q Did you read in the Muskogee Phoenix about what time you had to come back here in '66? A Yes, sir, the Cherokee Nation said; I got a paper---
Q Did they tell you what paper it was? A No, sir, I never asked them.
Q Didn't you hear them say it was the Muskogee Phoenix? A No, sir. The Cherokees says all of you that comes back in '66 they will make you citizens, and these that don't get back in that time are knocked out, and I got scared.
Q And this woman was big enough for you to talk to about that time? A Yes, sir.
Q Now, Uncle, don't you know that she was not but 7 years old at that time? A She was a pretty good sized girl.
Q Don't you know she wasn't old enough to talk to about her rights, coming back here in '66? A I told her that we would---
Q You have just testified, just now, that she was born just before those regiments were made up and according to her own testimony she was just seven years old in '66? A Well, you kept asking me and I had to guess at it, when you don't know you don't know, that's the truth; I don't know.
Q You don't know what month you come back here in, yourself, do you?
Q I left there when they told me it was '66; I didn't study about the month; I was studying about getting here.
Q What month was it? A I don't know; they told me it was '66, and that is the year I pulled in.
Q You don't know whether it was March or July? A Only what they told me.
Q Did they tell you it was March or July? A They didn't tell me it was [illegible] any of them like that; when they told me it was '66, I pulled out.
Q Were they planting corn when you got here? A No, sir.
Q Were they cutting wheat? A It was along in the fall. I never saw no wheat. I just sold my horse and went to work for a man. I heard my young master wanted work and I pulled right out and I stayed with him until he died.
Q What was your young master's name? A Clem Vann, Mary's brother.
Q How long was it after you were back until when you went to work for Clem Vann, a month? A I don't know. I stayed a couple of years down there, and I don't know just how long.
Q How long after you come back here before you saw Clem Vann? A I just don't exactly know. I worked a long time for that man before I worked for Clem.
Q Didn't you come by his place when you come here? A I never saw anything about the place; they had left the place, but I never saw nobody there.
Q Are you on a doubtful card? A I don't know.
Q Where did this applicant's mother die? A She died up yonder.
Q Up in Kansas? A Yes, sir.
Q After the war or before the war? A I think the war was going on when she died.
Q Where was this woman living when the war come up, when the soldies took her out? A Up here Dave Vann's place, over by where old man Drake lived.
Q You don't know how long after the war, then, when you saw this woman back here in the Cherokee Nation? A In '66.

Q Still you don't know what year '66 is? A The same year I come. I come right on; I been here before; and I went back, I left my property all here what property I had.
Q What property did you leave here? A I left a horse and two cows.
Q Didn't you just say you sold that horse? A I went back and come back again; that was before that. Yes, I did; that wasn't the first trip I made here.
Q When you come by Peter Meigs, and saw her there with Peter Meigs, were his wife and children all there? A Yes, sir, I was just passing there.

The Cherokee Nation asks that all the testimony introduced by the Cherokee Nation in freedmen doubtful 216, 891 and 818 be made a part of the record in this case.

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H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

H M Vance

Subscribed and sworn to before me this 5th day of April, 1904.

Chas. H. Garrison
Notary Public.

Cherokee Freedmen R-89.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Minta Vann as a Cherokee freedman.

D E C I S I O N.

The record in this case shows that on May 18, 1901, Jim Vann appeared before the Commission at Vinita, Indian Territory, and made application, among others, for the enrollment of his wife, Minta Vann, as a Cherokee freedman. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on April 4, 1904. The other parties to the application are differently classified and are not embraced in this decision. Proceedings had in the matter of the application of Aaron Webber, at Vinita, Indian Territory, on May 9, 1901; of Elizabeth Meigs et al., at Vinita, Indian Territory, on October 15, 1901 and at Muskogee, Indian Territory, on May 13, 1902; of Joe Ross, at Vinita, Indian Territory, on October 29, 1901; of Samuel Beck, at Muskogee, Indian Territory, on February 24, 1902, and of Edward Wright, at Muskogee, Indian Territory, on May 20, 1902, for enrollment as Cherokee freedmen, are filed with and made a part of the record herein.

The evidence shows that Minta Vann was a child slave of a Cherokee citizen at the commencement of the rebellion, and with her mother was removed from the Cherokee Nation during said rebellion. During their absence her said mother died and the said Minta Vann did not return to the Cherokee Nation within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs The Cherokee Nation et al., for the return of freedmen to said nation.

The said Minta Vann is not identified on the Cherokee authenticated roll of 1880.

It is, therefore, the opinion of this Commission that the application for the enrollment of Minta Vann as a Cherokee freedman

should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,
this JUL 23 1904

Copy Petition: Cher. F. R. 89.

Choteau. Ind. Terry.
June 25th 1906.

To The Honorable Dawes Commission Muskogee Ind. Terry.

Your humble petitioner, Minta Vann by her representative, I. P. Bledsoe respectfully request the reopening of her case for the following reasons viz:

That the testimony of James Ridin, who swears that she was on grand river in the Cherokee Nation in 1866 and also the evidence of Jennie Boudinot nee Vann, who state that she and her brother Sam, had her name placed upon the Wallace roll of Cherokee freedmen, and the statement of Andy Fry which shows that she was but a mere child after the war and up into the 70's. The evidence clearly shows and is not controverted, that her mother, Mandy Vann was a slave of a Cherokee citizen and died when she was a mere child and that she returned to the Cherokee Nation while in her minority (very young) and has continuously resided here ever since that time. The only question at issue it seems to me is the fact of her return to the Cherokee Nation. I. T. under the Decree, which I think should not run against her, she being at the time a minor and mentally incompetent. her

mind being very weak and she is today totally incompetent to make an intelligent statement. I contend that a great deal of the testimony taken in other cases and by reference made a part of this case has no bearing upon my clients case

Respectfly Submitted.
J. P. Bledsoe

copy

affidavit

Chaffee. Ind. Ter.
June 25th 1906.

To whom it may concern greeting—
My name is Judy Fry.
I am 73 or 74 years old.
I live near Chaffee I. T.
I am a recognized Cherokee Indian on
all the rolls.
I have known Minta Vann ever
since some time before the Wallace
enrollment in the 70's.
She was about 16 or 17 years old
when I first saw her, known the Cherokee
Nation
attest
L. P. Bledsoe

her
Judy x Fry
mark

Copy

affidavit

Choteau. Ind. Ter.
June 22nd 1906.

To whom it may concern Greeting:
My name is Jennie Boudinot nee Vann
I am 60 years old or more
I live at or near Choteau. I. T.
I am a Cherokee freedman on all the rolls
of the Cherokee Nation.
I have known Minta Vann ever since
the Wallace enrollment in the 70° when she
and mother Sam had her name placed on
the roll of Cherokee freedmen at Vinita. I. T.
I have known her to be live in the Cherokee
Nation ever since, and raise up her family
here. I knew her mother to be a slave of
Dave Vann, a Cherokee citizen, who lived
and died here in the Cherokee Nation. Her
mother died when she was a baby

Witness to mark
John M Rider
Mattie Rider

her
Jennie Vann Boud-
mark
inot

Sworn to before me this 23rd day of June
1906.

Will A Crockett
Notary Public

Seal.

My Comm Ex. Dec 9th 1906

Copy

affidavit.

Choteau Ind. Ter.
June 23rd 1906

To Whom it may concern. Greeting:
My name is James Rider.
I am 57 years old.
I live near Choteau Ind. Ter.
I am a Cherokee Freedman on all the rolls of said nation straight.
I was a slave of Tom Rider a Cherokee.
I came back to the Cherokee Nation in 1865 at Fort Gibson I.T. and the next year 1866 I ~~moved up on grand river near Choteau I.T.~~ and during the Winter of 1866 & 1867 I went up the river to near, or the vicinity of the Island ford to Joe Beans and I saw the man that said he was going to marry Minita Vann, who lived in that neighborhood at that time (the Winter of 66 & 67) and I have known the said Minita Vann ever since and I know that she has lived and raised up her family here in the Cherokee Nation I.T. and that she still lives near

Jas. his x mark Rider

Witness to mark
J. R. Blevins
Mattie Adkins

Sworn to before me this 23rd day of June 1906

Will A. Crockett
Notary Public

My Com'n Exp. Dec. 9/06.

Seal

Copy

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the motion to reopen the application for the enrollment of Minta Vann as a freedman citizen of the Cherokee Nation, F. R. 89.

Reply of the Cherokee Nation.

Comes now the representative of the Cherokee Nation and moves to dismiss the motion to reopen and reconsider the above styled case, for the reason that the record herein shows that the applicant was rejected by the Commission to the Five Civilized Tribes on July 23, 1904, and this decision was affirmed by the Secretar on September 3, 1904, and this motion was not received and filed with the Commission until June 27, 1906---too late to be considered under the act approved April 26, 1906 (Public No. 129), Section one of which provides:

"No motion to reopen or reconsider any citizenship case, in any of said tribes, shall be entertained unless filed with the commissioner to the Five Civilized Tribes within sixty days after the date of the order or decision sought to be reconsidered except as to decisions made prior to the passage of this Act, in which cases such motion shall be made within sixty days after the passage of this Act;***

We do not desire to enter into a further discussion of our objections to this motion until our objections shall have first been decided by the Department as to the right to file said motion on behalf of applicants. In other words, if it is held by the Department that the applicant had a right for any reason to file the motion we then desire to have an opportunity to answer the same.

Respectfully submitted,

W. W. Hastings JR

Attorney for the Cherokee Nation.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, August 22nd, 1901.

Mr. J. C. Starr,

Vinita, Indian Territory.

Dear Sir:-

As requested in your letter of the 21st instant you will find enclosed herewith, for the use of the Cherokee Nation, one copy of the testimony in the matter of the application of Mintie Vann to be enrolled as a Cherokee Freedman. The same is to be filed with the case of Mintie Vann, #FR89.

Very respectfully,

Commissioner in Charge.

Enc. FR89.

Cherokee Freedman
R 89

Muskogee, Indian Territory, February 25, 1904.

Minta Vann,

Choteau, Indian Territory.

Dear Madam:

In the matter of your application for enrollment as a Cherokee Freedman you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to your right to enrollment as a Cherokee Freedman.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Monday April 4, 1904, and introduce testimony as above requested.

Respectfully,

Commissioner in Charge.

4109

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
R-89.

Muskogee, Indian Territory, February 25, 1904.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of Minta Vann for enrollment as a Cherokee freedman, you are advised that before the Commission can render a final decision in this case it will be necessary that the applicant introduce further testimony tending to show her right to enrollment as a Cherokee freedman.

The said Minta Vann has, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Monday, April 4, 1904, and introduce testimony as above requested.

The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire.

Respectfully,

Commissioner in Charge.

COPY.

Cherokee Freedmen

R-89.

Muskogee, Indian Territory, July 28, 1904.

Minta Vann,

Choteau, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the record of proceedings had in the matter of your application for enrollment as a Cherokee freedman, together with a copy of the Commission's decision dated July 23, 1904, rejecting your said application.

The decision, with the record of proceedings, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

T. B. Needles.
Commissioner in Charge.

Encl. S-143.

Register.

COPY.

Cherokee Freedmen

R-89.

Muskogee, Indian Territory, July 28, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Minta Vann for enrollment as a Cherokee freedman, including the Commission's decision dated July 23, 1904, rejecting said application.

Respectfully,

T. B. Needles.
Commissioner in Charge.

Encl. S-145.

Through the

Commissioner of Indian Affairs.

M29

COMMISSIONERS
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.
WM. O. BEALL,
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen
R-80.

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 28, 1904.

Hastings, Bell & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes dated July 25, 1904, rejecting the application of Minta Vann for enrollment as a Cherokee freedman.

The decision, with the record of proceedings, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

Commissioner in Charge.

Encl. S-144.

(COPY)

Refer in reply to the following:
Land
52166-1904.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, August 29, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated July 28, 1904, transmitting the application for enrollment as a Cherokee freedman by Minta Vann.

July 23, 1904, the Commission decided adversely to the applicant.

The record shows that the applicant was the child of a slave of a Cherokee citizen at the beginning of the war of the rebellion, and with her mother was removed from the Cherokee Nation during said war. During such absence the mother died and Minta Vann did not return to the Cherokee Nation on or before February 11, 1867.

The applicant is not identified on the 1880 authenticated roll.

In view of the record the approval of the Commission's dicision adverse to the applicant is recommended.

Very respectfully,

W. A. Jones
Commissioner.

M. M. M.
W.

(COPY) 411

Y. P.

DEPARTMENT OF THE INTERIOR,

WASHINGTON. WHR.

D. C.33513.
ITD 6944-1904.
LRS

September 3, 1904.

Commission to the

Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

July 28, 1904, you transmitted the record in the matter of the application of Minta Vann for enrollment as a Cherokee freedman, including your decision of July 23, 1904, rejecting said application.

Reporting in the matter August 29, 1904, the Commissioner of Indian Affairs recommended the approval of your decision.

The Department concurs in the recommendation of the Commissioner and your decision adverse to the applicant is hereby affirmed.

A copy of the Commissioner's report is inclosed.

Respectfully,

(Signed) Thos Ryan

Acting Secretary

1 inclosure.

COPY.

Cherokee Freedmen
R 69

Muskogee, Indian Territory, October 4, 1904.

Minta Vann,

Chesteau, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated July 25, 1904, rejecting your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on September 3, 1904.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

COPY:

Cherokee Freedmen
R 89

Muskogee, Indian Territory, October 4, 1904.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated July 23, 1904, rejecting the application for the enrollment of Minta Vann as a Cherokee freedman, was affirmed by the Secretary of the Interior on September 3, 1904.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

COPY.

Cherokee Freedmen

R-89.

Muskogee, Indian Territory, April 12, 1905.

Eliza Glover,

Choteau, Indian Territory.

Dear Madam:

The Commission is in receipt, by reference from the Secretary of the Interior, of your letter of March 28, 1905, relative to the enrollment of your mother, Minta Vann, as a Cherokee freedman.

In reply you are advised that the Commission's decision, rejecting the application for the enrollment of the said Minta Vann, was affirmed by the Secretary of the Interior on September 3, 1904.

Respectfully,

(SIGNED). T. B. Needles.
Commissioner in Charge.

COPY.

Cherokee Freedmen

R-89.

Muskogee, Indian Territory, May 9, 1905.

Minta Vann,

Choteau, Indian Territory.

Dear Madam:

The Commission is in receipt, by reference from the Secretary of the Interior, of your letter of April 3, 1905, relative to your enrollment as a Cherokee freedman.

In reply you are advised that the Commission's decision, rejecting the application for your enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on September 3, 1904, of which action you were notified on October 4, 1904.

Respectfully,

(SIGNED) T. B. Needles.
Commissioner in Charge.

Copy

Cherokee
F R 89

Muskogee, Indian Territory, June 14, 1906.

Oscar Markham,

Choteau, Indian Territory.

Dear Sir:

This office is in receipt, by reference of the Secretary of the Interior, of your letter of May 14, 1906, asking that a rehearing be granted you in the Cherokee freedman case of Minty Vann.

In reply you are advised the records of this office show that the application for the enrollment of one Minta Vann as a Cherokee freedman was denied by the Secretary of the Interior on September 3, 1904. There is quoted you for your information the following provision of the Act of Congress approved April 26, 1906 (Public No. 129):

> "..... no motion to reopen or reconsider any citizenship case, in any of said tribes, shall be entertained unless filed with the Commissioner to the Five Civilized Tribes within sixty days after the date of the order or decision sought to be reconsidered except as to decisions made prior to the passage of this Act, in which cases such motion shall be made within sixty days after the passage of this Act."

You are advised that if Minta Vann has discovered new evidence that is material to her case, and which was not available at the time her case was heard before the Commission, she has a privilege of filing with this office at any time before June 26, 1906, a motion for a rehearing in her case. The

motion should state fully the facts which she expects to prove in the event a rehearing is ordered in her case, and be supported by affidavits of the witnesses whose testimony it is proposed to introduce, indicating in the affidavits fully the facts to which the witnesses will testify. Copies of any papers filed should be served on the Attorneys for the Cherokee Nation, and proof of such service furnished.

Respectfully,

Commissioner.

GHL

(COPY)

Chouteau, I. T. June 25, 1906.

D.C.26221

To Hon. Dawes Commission.

Dear Sirs:

I herewith enclose petion of Minta Vann as per your letter to Oscar Markham of June 14/06 & as I knew nothing about the case & was not employed until the 20 inst I have hurriedly written up a petition & gathered together the evidence bearing on same as best I could in so short a time. Hope you will pardon any defects and look over the discrepancys of youth.

With best wishes,

I. P. Bledsoe.

Muskogee, Indian Territory, August 24, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith a motion made by I. P. Bledsoe, Cheuteau, Indian Territory, for a rehearing in the Cherokee freedman case of Minta Vann. This motion was received at the post-office in Muskogee, Indian Territory at 10 P. M. on June 26, 1906, and was received at this office on June 27, 1906.

The records of this office show that the decision of the Commission to the Five Civilized Tribes, dated July 23, 1904, rejecting the application of Minta Vann for enrollment as a Cherokee freedman was affirmed by the Secretary on September 3, 1904 (I.T.D. 6944-1904).

The Act of Congress approved April 26, 1906 (Public No. 129), in part provides:

> " . . . and no motion to reopen or reconsider any citizenship case, in any of said tribes, shall be entertained unless filed with the Commissioner to the Five Civilized Tribes within sixty days after the date of the order or decision sought to be reconsidered except as to decisions made prior to the passage of this Act, in which cases such motion shall be made within sixty days after the passage of this Act: . . . "

Secretary--2.

As the motion was not filed with this office within sixty days from the passage of said Act, the same is enclosed for filing with the original record in the case. The protest of the Attorney for the Cherokee Nation against this motion is also enclosed.

Respectfully,

Acting Commissioner.

Encl. M.A.24-2.

Through the Commissioner
of Indian Affairs.

Cherokee freedman
R 89.

Muskogee, Indian Territory, August 24, 1906.

I. P. Bledsoe,

Agent for Minta Vann,

Whouteau, Indian Territory.

Dear Sir:

Referring to your letter of June 25, transmitting a motion for a rehearing in the Cherokee freedman case of Minta Vann, you are advised that said motion is shown to have been received at the post-office in Muskogee, Indian Territory on June 26, 1906, at 10 P. M., and was received at this office on June 27, 1906.

The records of this office show that the decision of the Commission to the Five Civilized Tribes, dated July 23, 1904, rejecting the application of Minta Vann for enrollment as a Cherokee freedman was affirmed by the Secretary of the Interior on September 3, 1904.

The Act of Congress approved April 26, 1906 (Public No. 129) in part provides:

> " . . and no motion to reopen or reconsider any citizenship case, in any of said tribes, shall be entertained unless filed with the Commissioner to the Five Civilized Tribes within sixty days after the date of the order or decision sought to be reconsidered except as to decisions made prior to the passage of this Act, in which cases such motion shall be made within sixty days after the passage of this Act: . . "

As your motion was not filed with this office within sixty days from the passage of said Act, it does not appear that this office has any authority to receive or reconsider the same, and it has this day been transmitted to the Secretary of the Interior to be filed with the record in the case.

Respectfully,

Acting Commissioner.

M.A.

(COPY) (COPY)

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

Land
60584-1904
74170-1906.

October 4, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of September 3, 1904, I.T.D. 6944, there is enclosed a report from the Acting Commissioner to the Five Civilized Tribes, dated August 24, 1906, transmitting a motion for rehearing in the Cherokee freedman case of Minta Vann.

Mr. Beall says the motion was received at the post-office in Muskogee, Indian Territory, at 10 P.M. on June 26, 1906, and at the office of the Commissioner on June 27. He further says that the records of the Commissioner's office show that the decision of the Commissioner rejecting the application of Minta Vann was affirmed by the Department on September 3, 1904.

He invites attention to the provisions of the Act of April 26, 1906, relative to re-opening cases, and says that as the motion was not filed within sixty days from the passage of the Act of April 26, 1906, it is transmitted to be filed with the original record in the case. He transmitted protest from the Cherokee Nation against the motion.

The motion not having been filed within the time required by law, the Department was without jurisdiction to consider it and it is recommended that it be denied.

In order to keep the papers in the case together the record is enclosed.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

GAW-GH.

D.C.45387 (COPY) G.R.

DEPARTMENT OF THE INTERIOR
WASHINGTON FHE.

I.T.D.
19650-1906

J.P.

October 10, 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

August 24, 1906, you transmitted a motion for rehearing in the Cherokee freedman case of Minta Vann, received at the post office in Muskogee, Ind. T., at 10 o'clock p.m. on June 26, 1906, and received at your office on June 27, 1906.

The Department on September 3, 1904 (I T.D.6944), in accordance with the recommendation of the Indian Office, affirmed the decision of theCommission to the Five Civilized Tribes rejecting said application.

Under the act of Congress approved April 26, 1906 (34 Stat., 137), the Department is without authority to entertain said motion for rehearing for the reason that the same was not filed with you within sixty days after the passage of said act, and the motion for dismissal of said motion, filed by the attorneys for the Cherokee Nation, is hereby granted and said motion for rehearing dismissed. You will advise I.P. Bledsoe, of Choteau, Ind. T., and the attorney for the Cherokee Nation, of such action.

The record has this day been returned to the Commissioner of Indian Affairs for the files of his office.

Respectfully,
Thos. Ryan
First Assistant Secretary

Through the Commissioner
of Indian Affairs.
7 inc. to Ind. Of.

Cherokee
F R 89

Muskogee, Indian Territory, October 24, 1906.

Minta Vann,

Choteau, Indian Territory.

Dear Madam:

You are hereby advised that this office is in receipt of Departmental letter of October 10, 1906 (I.T. D. 19650-1906), [redacted]ing the motion for a rehearing in your Cherokee Freedman enrollment case.

Respectfully,

Commissioner.

GHL

Cherokee
F R 89

Muskogee, Indian Territory, October 24, 1906.

I. P. Bledsoe,

Agent for Minta Vann,

Choteau, Indian Territory.

Dear Sir:

You are hereby advised that this office is in receipt of Departmental letter of October 10, 1906 (I.T.D. 19650-1906), in which the motion for a rehearing in the Cherokee Freedman enrollment case of Minta Vann is dismissed.

For your information there is inclosed herewith a copy of Departmental letter above referred to.

Respectfully,

Commissioner.

Incl. GL-1.
GHL

REFER IN REPLY TO THE FOLLOWING:
Cherokee
F R 69

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 24, 1906.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that this office is in receipt of Departmental letter of October 10, 1906 (I.T.D. 19650-1906), in which the motion for a rehearing in the Cherokee Freedman enrollment case of Minta Vann is dismissed.

For your information there is inclosed herewith a copy of Departmental letter above referred to.

Respectfully,

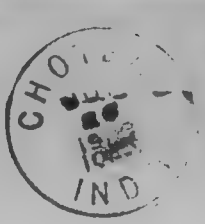
Commissioner.

Incl. GL-2.
GHL

After 51 days, return to

D. C. Blidsoe

CHOTEAU, IND. T.





Rec'd June 27-06

Hon. Bell, Hastings & Dampport

Muscogee

Ind. Ter.

Attys. for Cherokee Nation

CHEROKEE FREEDMAN. R 89

ENROLLMENT RECORD.

Rec'd

IN THE MATTER OF THE APPLICATION OF

Minta Vann

FOR ENROLLMENT AS

CHEROKEE FREEDMEN

A. Original testimony May 18. 01

B. Mem. of application " "

& Marriage license and cert.

"A"

Sec. Cherokee Freedmen Docket

No 165

Cher Fr R 90

Cher Fr R 90

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., May 21, 1901.

In the matter of the application of George C. Davis for the enrollment of himself and one child as Cherokee Freedmen.

George C. Davis, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A George C. Davis.
Q What is your age? A I don't know, I can't tell you my age, my age is here (handing Commissioner paper.)
Commissioner. A About 60 years of age.
Q What is your post office? A My post office, I live in Canadian but my post office is Checotah.
Q What district do you live in? A Canadian.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides your self, anybody? A Well I did try to enroll my boy, they enrolled him.
Q Your boy has already enrolled? A No, sir.
Q You say you went to apply for your boy? A Well, I want to if I can.
Q What is ~~his~~ ~~father's~~ name? A He is named for me, George C. Davis, Jr.
Q How old is he? A He is about 18 years old I think.
Q Is your name then on the authenticated roll of 1880? A No, sir.
Q Did you ever apply to be enrolled by any other nation or tribe?
A No, sir.
Q Did you ever draw any money from the Cherokees? A Never drawed a cent.
Q Your name isn't found on any of the rolls of the Cherokee Nation?
A I have been put on the Wallace roll and Clifton roll, but they failed to find my name when I went to draw my money.
Q Your name wasn't on the Wallace or Clifton roll without you drew the money on it? A Well it was put there, but they failed to find it when I went to drawaw my money.
Q Have you ever been recognized by the Cherokee authorities as a Cherokee Freedman, as a citizen? A Well, I don't know as I have.
Q Did you ever vote in the Cherokee Nation? A Yes, sir.
Q Do you own any property? A Well, I have a little place down the road here.
Q A little farm? A Yes, sir, starting a farm.
Q never held any office? A No, sir.
Q Were you a slave? A Yes, sir.
Q What was your owner's name? A My owner's name was Mi Lendrum.
Q Was he a Cherokee citizen? A He was a Cherokee citizen.
Q An Indian? A Yes, sir.
Q Where were you born? A Born in Saline district.
Q The Cherokee Nation? A Yes, sir.
Q Did you live in the Cherokee Nation up until the beginning of the war between the north and the south? A Yes, sir, I was here.
Q Where did you go during the war? A I was born in Saline and I went to Fort Gibson and I enlisted there.
Q When did you enlist? A 1863, July 5 I believe.
Q How long did you remain in the United States army? A 2 years.
Q When were you discharged? A Discharged '65.
Commissioner: Applicant presents a certificate of discharge from the United States Army certifying that he was enrolled as a private in Company D 80th Regiment, United States Colored Infantry, on the 5th day of July, 1863, and that he was discharged therefrom on the first day of October, 1865, at Pine Bluff, said discharge being regular, duly authenticated and signed by the Commanding officer.
Q You were discharged at Pine Bluff? A Yes, sir.
Q I thought you said you were discharged at Gibson? A No, I enlisted at Gibson.

Q Then you were discharged at Pine Bluff in 1865? A Yes, sir.
Q Then were did you go to? A Well I was discharged at Pine Bluff and then they taken us around by Leavenworth and disbanded at Leavenworth, they brought us around by the boat.
Q Well, what time did you reach Leavenworth, Kansas, as soon as you got there after you were discharged? A Yes, sir, pretty near, I got there, went there in 1866.
Q Then did you return to the Cherokee Nation? A Yes, sir, I came on home, came on through after the railroad was built, and I went on to Texas and I went there in 1877 and I came back in 1878 and I went to work in Fort Gibson.
Q You came back to the Cherokee Nation in 1878; you went from Leavenworth direct to Texas? A Yes, sir.
Q And stayed in Texas until 1878? A Yes, sir.
Q And then returned to the Cherokee Nation? A Yes, sir.
Q The fact of the business is you were not in the Cherokee Nation in 1880? A No, sir.
Q Have you been living in the Cherokee Nation ever since? A Yes, sir, been here ever since all along.
Q Are you married? A No, sir.
Q Who was the mother of George C. Davis? A Her name was Hannah, she was sold to Jim Vann; she was a Landrum first.
Q Were you married to her, the mother of George C. Davis? A No, my father's name was Dave, my father's name was Dave Landrum, and when I enlisted they asked me my father's name and they made me change my name.
Q What was your wife's name? A I never had any wife.
Q What was the name of the mother of this boy? A Her name was Mary Ann Smith, she is in Texas.
Q You never were married to her? A No, sir.
Q This boy was born in Texas? A Yes, sir.
Q You were not married to the boy's mother? A No, sir.
By J. R. Sequichie, applicant's agent: What was the reason you didn't get here in 1880? A I was waiting for my bounty, and I didn't get it till the latter part of 1880.
Q And then after you got the bounty did you start to the Cherokee Nation? A Yes, sir, I came on home, came on on through in 1877.
Q It is an evident fact that you couldn't come here without your bounty? A No, sir.
Commissioner: It took you ten years to get it? A No, sir, it didn't take me that long.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.
The 1896 census roll of Cherokee Freedmen examined and neither of the applicants identified thereon.

Walter West, being duly sworn and examined by Commissioner Needles, testified as follows:
Q What is your name? A Walter West.
Q What is your age? A 60 years.
Q What is your post office? A Spavinaw.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q By blood? A Yes, sir.
Mr. Sequichie: Do you know Mr. Geo. C. Davis, the applicant that was here just now? A Why I saw him first after the war, I didn't know him by the name of George C. Landrum.
Q What name was he none by? A George Landrum.
Q Was he a slave when you knew him? A Well, was he a slave before the war, this applicant? A This man was.
Q Who did he belong to? A As well as I remember it was Hi Landrum, old Hi Landrum; there is two Hi Landrums.

Commissioner: George C. Davis applies for the enrollment of himself and his son, George C. Davis, Jr. His name

does not appear upon the authenticated roll of 1880 or upon any of the rolls now in the possession of this Commission. He avers that he was a slave belonging to one Hi Landrum, and enlisted as a soldier in the United States army, was discharged at Pine Bluff, proceeded from there immediately t Fort Leavenworth, Kansas, and proceeded from there to Texas, and didn't return to the Cherokee Nation until the year 1878. He avers that his child, George C. Davis, Jr., is the child of a colored woman living in the State of Texas, that he was never married to her, that the child was born in the State of Texas.

From the facts set forth in the Testimony, it is evident that the application of said George C. Davis does not come under the laws, rules or regulations authorizing the enrolling of Cherokee Freedmen, consequently the application of said George C. Davis and his child George C.,Jr., for enrollment as Cherokee Freedmen will be rejected.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 23nd of May, 1901.

Commissioner.

...THE INT...
...BES.
FILED
MAY 21 1901

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date May 24, 1901

Post Office Cheetah I. T.

District Canadian

1. Name George G. Davis Age

Owner's name Ely Landrum Citizenship Cherokee

Year — Page — No. — District —

Parents:

Father Rejected Citizenship

Mother Citizenship

2. Name of wife Age

Owner's name Citizenship

Year Page No. District

Parents:

Father MAY 21 1901 Citizenship

Mother Citizenship

Names of Children:

3. George G. Davis Jr. Year — Page — No. — Dist. — 16

4. Year Page No. Dist.

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by Nol Stenographer R. G. Jones

J. R. Sequichie agent for applicants

A

Comm'r R

Cherokee Freedmen R-90.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of George C. Davis and George C. Davis, Jr., as Cherokee Freedmen.

DECISION.

The record herein shows that George C. Davis appeared before the Commission at Vinita, Indian Territory, on May 21, 1901, and made application for the enrollment of himself and his minor child, George C. Davis, Jr., as Cherokee freedmen.

The evidence in this case shows that the applicant, George C. Davis, was the slave of a Cherokee citizen at the commencement of the rebellion; that during the rebellion he left the Cherokee Nation and did not return thereto and establish a residence therein within the time specified in the decree of the Court of Claims rendered on February 5, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of Cherokee freedmen to said Nation. The applicant, George C.Davis, Jr., is the minor of the said George C. Davis, and has no right to enrollment except through his said father.

It does not appear that either of the applicants herein is identified on the 1880 authenticated Cherokee Roll.

It is, therefore, the opinion of this Commission that the application for the enrollment of George C. Davis and George C. Davis, Jr. as Cherokee freedmen should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
this APR 9 1904

Commissioner.

MOTION

For Review of Decision of Commission denying the application for enrollment as Cherokee Freedmen of

---

BLUE & BULGER,
Attorneys for Applicants.

McGOWAN & SERVEN,
Of Counsel.

DEPARTMENT OF THE INTERIOR.

To the Honorable, the Secretary of the Interior:

In the matter of the application of the following named persons for enrollment as Cherokee Freedmen, consolidating the applications of:

George C. Davis, et al.

(91)

MOTION FOR REVIEW OF DECISION.

Come now, by their attorneys, the above named persons who have been denied enrollment as Cherokee Freedmen solely because they or their ancestors were not physically in the Cherokee Nation on August 11, 1866, or within six months thereafter, regardless of attendant circumstances, and move the Honorable Secretary of the Interior to rescind said decision___to readjudicate said cases and to enroll said persons as Cherokee Freedmen for the reason that the evidence shows that said persons or their ancestors were slaves of Cherokee citizens at the commencement of the War of the Rebellion, that during said war they were compelled by circumstances over which they had no control to go out of the Cherokee Nation, but returned within a reasonable time after promulgation of treaty of July 19, 1866, considering the attendant circumstances, as shown by the records of the Department of the Interior, the Department of War and the Commission to the Five Civilized Tribes.

These records show that these persons were legally residents of the Cherokee Nation on August 11, 1866.

The records of the Commission show that it did not base its decisions in these cases upon proper grounds, but based them upon a supposed bar in Article 9 of the Cherokee Treaty of July 19, 1866, against the consideration of the reasons why a Cherokee Freedman was not in the Nation prior to February 11, 1867.

The records show that these persons were residents in good faith in the Cherokee Nation prior to June 28, 1898.

That applications were made for their enrollment prior to September 1, 1902.

Wherefore we respectfully request that this motion be allowed.

_____

_____

Attorneys for Applicants.

Service of the above motion accepted and a copy of the same received by the attorneys for the Cherokee Nation, at Vinita, I. T., this day of , 1905.

BELL, HASTINGS & DAVENPORT,
Attorneys for Cherokee Nation.

By_____

Cherokee Freedmen
R-90.

Muskogee, Indian Territory, April 20, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of George C. Davis and George C. Davis, Jr., as Cherokee freedmen, including the Commission's decision dated April 20, 1904, rejecting said application.

Respectfully,

Tams Bixby

Chairman.

Through the
Commissioner of Indian Affairs.

Rec. D-25.

m89

COMMISSIONERS
TAMS BIXBY.
THOMAS B NEEDLES.
C R BRECKINRIDGE.
WM O BEALL
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
R-90.

Muskogee, Indian Territory, April 30, 1904.

George C. Davis,

Checotah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself and your minor child, George C. Jr., as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Register

Enc. D-33.

COMMISSIONERS
TAMS BIXBY,
THOMAS B NEEDLES,
C R BRECKINRIDGE,
WM O BEALL,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
R-90

ADDRESS NOT THE COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 30, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir;

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, rejecting the application for the enrollment of George C. and George C. Davis Jr., as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Enc. D-34.

Chairman.

(COPY)

Refer in reply to
the following:
Land.
30081-1904.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, June 8, 1904.

The Honotable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes transmitting for your consideration the application of George C. Davis and George C. Davis Jr. as Cherokee Freedmen.

April 20, 1904, the Commission rejected the applicant.

The evidence among other things shows that the principal applicant, George C. Davis, was a slave of a Cherokee citizen at the commencement of the war of the rebellion and that he went out of said Nation during the war, and enlisted in the United States Army; that after his discharge he had ample time to return to the Nation before February 11, 1867, and that he did not do so, but that he did return in 1878.

His son is about sixteen years old and can have no right except such as comes to him through his father, and it appearing that his father is not entitled to enrollment, he therefore cannot be.

It is therefore recommended that the action of the Commission rejecting the applicants be sustained.

Very respectfully,

A. C. Tonner,
Acting Commissioner.

I.T.D.

W.

D.C. 21474-1904. (COPY)

W.S.F. J.P. THE

DEPARTMENT OF THE INTERIOR,

I.T.D. 6740-1904. WASHINGTON. June 21, 1904.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

April 30, 1904, you transmitted the record in the matter of the application for the enrollment of George C. Davis and George C. Davis, Jr., as Cherokee freedmen, including your decision of April 25, 1904, rejecting said application.

Reporting June 8, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) E. A. Hitchcock,

1 inclosure. Secretary.

MDG

COMMISSIONERS
TAMS BIXBY,
THOMAS B NEEDLES
C R. BRECKINRIDGE

WM O BEALL,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

[redacted]
349

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 30, 1904.

George C. Davis,

Checotah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated April 20, 1904, rejecting your application for the enrollment of yourself and your minor child, George C. Davis, Jr., as Cherokee freedmen, was affirmed by the Secretary of the Interior on June 21, 1904.

Respectfully,

Commissioner in Charge.

. M29.

COMMISSIONERS
TAMS BIXBY
THOMAS B. NEEDLES
R. BRECKINRIDGE

WM. J. BEALL
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee freedmen
R 90

Muskogee, Indian Territory, June 30, 1904.

W. W. Hastings,

Atterney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated April 20, 1904, rejecting the application for the enrollment of George C. Davis and his minor son, George C. Davis, Jr., as Cherokee freedmen, was affirmed by the Secretary of the Interior on June 21, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
R 98

Muskogee, Indian Territory, July 7, 1904.

George C. Davis,

Vinita, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of June 28, asking for a copy of the record in your application for enrollment as a Cherokee freedman.

There is accordingly herewith inclosed a copy of the record of proceedings, together with a copy of the Commission's decision of April 20, 1904, rejecting your said application, and a copy of the Department's letter of June 21, affirming the said decision.

Respectfully,

Encl. V-8

Commissioner in Charge.

Register.

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
R-56

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, May 25, 1906.

George C. Davis,
Checotah, Indian Territory,

Dear Sir:-

You are hereby advised that the motion filed by your attorneys September 7, 1906, for a review in your Cherokee freedmen enrollment case, was dismissed by the Department May 2, 1906.

Respectfully,

W. O. Beall
Acting Commissioner.

1MB

Muskogee, Indian Territory, May 28, 1906.

Blue & Bulger,

Attorneys for Eliza A. Arnold, et al.,

Vinita, Indian Territory.

Dear Sir:-

You are advised that this office is in receipt of Departmental letter of May 8, 1906, a copy of which is enclosed herewith, denying motions filed by you September 7, 1905 for review in the Cherokee Freedmen enrollment cases of Eliza A. Arnold and others named in said letter.

Respectfully,

Commissioner.

MCP

Muskogee, Indian Territory, May 29, 1906.

Bell, Hastings & Davenport,
Attorneys for Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:-

You are advised that this office is in receipt of Departmental letter of May 2, 1906, a copy of which is enclosed herewith, denying motions by Blue & Bulger, filed September 7, 1905, for review in the Cherokee Freedmen enrollment cases of Eliza A. Arnold and others named in said letter.

Respectfully,

Commissioner.

LMC

Department of the Interior.
Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

Muskogee
FR 90



George C. Davis,
Shoshoni,
Indian Territory.

UNKNOWN
UNKNOWN

MUSKOGEE IND. TERR.
JUL 1 P
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1901
JUL
31
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IND. T.

PENALTY FOR PRIVATE USE

Department of the Interior.
Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

RETURNED TO WRITER

MUSKOGEE MAY 29 7-PM 19 IND.T. 06

~~George C. Davis,~~

~~Checotah, Indian Territory.~~

CHECOTAH 1906 JUL 1 7 PM IND.

UNKNOWN

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

CHECOTAH 1904 JUN 1 12 M IND.T.

OFFICIAL BUSINESS PENALTY FOR PRIVATE USE $300

Reg #152 181 11107

RETURNED TO WRITER

MUSKOGEE, IND. TE... APR 30 1904 REGISTERED

JUN 2 - 1904

~~George C. Davis,~~

~~Checotah, Indian Territory.~~

UNKNOWN

Department of the Interior.

Cher Fr R 91

Cher Fr R 91

FILED
MAY 23 1901

Ira C. C. Sales — Rejected

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., May 28, 1901.

In the matter of the application of Lillie Sanders Sales for the enrollment of herself, her husband, and five children as Cherokee Freedmen.

Lillie S. Sales, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your name? A Lillie Sanders Sales.
Q How old are you? A 27.
Q What is your post office? A Wimer.
Q In what district do you live? A Coowescoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you want to enroll anybody besides yourself? A Yes, sir, five children.
Q Have you a husband you want to enroll? A Yes, sir, but — yes sir.
Q You want to apply for him? A Yes, sir.
Q Are these five children all living now? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Give me the name of your father? A Reuben Sanders.
Q Is he dead? A He is living.
Q Give me the name of your mother? A Alice C. Sanders.
Q Is she alive? A She is living.
Q When were you married? A Let's see now, in 1893.
Q Have you a certificate of your marriage? A No, sir.
Q Give me the name of your husband? A Ira Sales.
Q How old is your husband? A 32.
Q Does he claim to be a Cherokee Freedman of his own right, or only by intermarriage? A Well, under his mother.
Q How long has he lived in the Cherokee Nation? A Well, all his life I guess; you will have to ask him them questions.
Q Where is he? A He is at home.
Q How far do you live from here? A About 35 miles.
Q Why didn't he come with you? A Well, he stayed at home to keep the children while I came.
Q Give me the name of his father? A His father was named Pleasant Sales.
Q Is he dead? A Yes, sir.
Q How long has he been dead? A I don't know.
Q He was 't a Cherokee Freedman, was he, Pleasant Sales? A Well, I don't know.
Q Give me the name of your husband's mother? A Well her name now is Hudson, Martha Hudson.
Q She is alive now you say? A Yes, sir.
Q How long has she been named Hudson? A Well, I don't know just exactly.
Q Give me the names of these children? A Well, the oldest one is Peter Levy.
Q They are all children of this marriage are they? A My children is what you are asking for?
Q What is what I am trying to get; I want to know if these children are all children of this marriage to Mr. Sales? A Yes, sir.
Q They are all children of Sales? A Yes, sir.
Q How old is Peter? A 8 years old.
Q Give me the name of the next one? A Ulysses Sampson.
Q How old is that child? A He is 5 years old, he was born in 1896.
Q Give me the name of the next child? A Robert Rose Sales.
Q How old is that child? A 4 years.
Q Give me the name of the next child? A Well, the next one is named Ira C. Charles Sales.
Q How old is that child? A 2 years.
Q How give me the name of the next child? A Annie Evelyn.
Q How old is that child? A She is one year, she will be 2 years next August.

Ira G. G. Sales - 8.

Q Is your husband's full name Ira S. S. Sales? A His name is Ira General Grand; well he always gives in his full name.
Q Is this child Ira named for his father? A Yes, sir.
Q Do you want him Ira G. S.? A Well yes, that is the name what we have put down in the bible, we have got him nick named.
Q I want to know what you want this child put down as? A Ira G.S. Sales.
Q Is there someone here who knows that you and your husband have lived together as husband and wife? A My father is here, Reuben Sales.

Reuben Sanders, being duly sworn and examined by Commissioner Breckinridge, testified as follows:
Q What is your name? A Reuben Sanders.
Q How old are you? A I am nearabout fifty.
Q What is your post office? A Centralia, I. T.
Q Is this your daughter here? A Yes, sir.
Q To whom is she married? A Ira Sales.
Q About how long has she been married? A I don't recollect just the exact date, but she has been married something like ten or twelve years as near as I can recollect.
Q Was she ever married except to her present husband? A Yes, sir.
Q Was he ever married except to her? A No, not to my knowledge, I have knowed him since he was a man.
Q Well, is your daughter living with her husband now? A Yes, sir.
Q Lived together ever since they were married? A Yes.
Q And in the Cherokee Nation all the time? A Yes, sir.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant Lillie S. Sales identified thereon, page 175, No. 8659, Goowesscoowee district, Lillie Sanders.
Ira G. G. Sales not on 1880 roll.

Lillie S. Sales, recalled, testified:
Q Did you draw Cherokee strip money? that big payment? A No, sir.
Q How comes it you are not on the roll of 1896, the last census roll? A Why my father put me on the roll.
The 1896 census roll of Cherokee Freedmen examined and the applicants identified thereon as follows:
Lillie S. Sales on page 419, No. 551, Goowesscoowee district, as Lulu J. Sanders; Note: "Married U.S.citizen, Ira Sales, and is daughter of Reuben Sanders."
Ira G. G. Sales not on 1896 roll.
Peter L. Sales on page 419, No. 552, Goowesscoowee district, as Peter Sanders (Sales);
Ulysses S. Sales on page 419, No. 553, Goowesscoowee district, as Ulysses Sanders;
Robert R. Sales on page 419, No. 554, Goowesscoowee district, as Robert Ross Sanders.
Q Did your husband marry you under a Cherokee license? A No, sir.
The Keetna-Clifton pay-roll examined and the applicant Ira G.G. Sales not identified thereon.

Commissioner: The applicant applies for the enrollment of herself, her husband and five children. The applicant is identified on the rolls of 1880 and 1896 as a Cherokee Freedman. She has lived in the Cherokee Nation all her life, her change of name arises from her marriage, and is established by satisfactory testimony, and she will now be listed for enrollment as a Cherokee Freedman. Of her five children named in the testimony, the first three are duly identified on the roll of 1896, they are living, and they will now be listed for enrollment as Cherokee Freedmen. When the applicant files with

Ira G. G. Sales - 3.

the Commission proper certificates of the birth of the two younger children, Ira G. S. and Annie B. Sales, these children will also be listed for enrollment as Cherokee Freedmen.

The applicant states that her husband was not married to her under a Cherokee license. He is not identified upon any roll, but is referred to upon the roll of 1896, where his wifes name is found, as being a United States citizen. Under the conditions stated, he will now be listed as a Cherokee Freedman on a rejected card

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above cabe, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 24th of May, 1901.

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
AUG 23 1901
CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date ... May 22 1901

Post Office ... Hymer, I.T.

District ... Cherokee

1. Name ... Ira G. G. Sales ... Age 32

Owner's name ... Citizenship ...

Year ... Page ... No. ... District ...

Parents:

Father Pleasant Sales, d. ... Citizenship Cherokee

Mother Martha Sales, d. ... Citizenship "

2. Name of wife ... Age ...

Owner's name ... Citizenship ...

Year ... Page ... No. ... District ...

Parents:

Father ... Citizenship ...

Mother ... Citizenship ...

Names of Children:

3. ... Year ... Page ... No. ... Dist. ...
4. ... Year ... Page ... No. ... Dist. ...
5. ... Year ... Page ... No. ... Dist. ...
6. ... Year ... Page ... No. ... Dist. ...
7. ... Year ... Page ... No. ... Dist. ...
8. ... Year ... Page ... No. ... Dist. ...
9. ... Year ... Page ... No. ... Dist. ...
10. ... Year ... Page ... No. ... Dist. ...
11. ... Year ... Page ... No. ... Dist. ...
12. ... Year ... Page ... No. ... Dist. ...

Application made by Lucy S. Sales. Stenographer Jones.

Cherokee Freedmen R 91

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T. December 22, 1904.

SUPPLEMENTAL PROCEEDINGS in the matter of the application for the enrollment of Ira G.G. Sales as a Cherokee freedman.

On December 1, 1904, the applicant was notified by registered mail, and on December 3, 1904, the attorneys for the Cherokee Nation were notified by letter, that the application for the enrollment of Ira G. G. Sales, as a Cherokee freedmen would be taken up by the Commission to the Five Civilized Tribes, at its offices in Muskogee, Indian Territory, on the 22nd day of December, 1904, at which time an opportunity would be given both the applicant and the attorneys for the Cherokee Nation to introduce any testimony they might desire, affecting said application, at which time the case would be taken up for final consideration.

Now on this 22nd day of December, 1904, this cause coming on to be heard, pursuant to said notice, said applicant being called fails to appear, either in person or by attorney, and the Cherokee Nation appearing by its attorneys, Bell, Hastings & Davenport, submits this case upon the evidence now of record.

-o-o-o-o-o-

Opal Griggs, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 22nd day of December, 1904, and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Opal Griggs

Subscribed and sworn to before me this 28 day of December 1904.

Charles A. Sawyer
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., JANUARY 30, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of Ira G. G. Sales as a Cherokee freedman.

On January 12, 1905, the applicant was notified by registered mail, and on January 14, 1905, the attorneys for the Cherokee Nation were notified by letter, that the application for the enrollment of Ira G. G. Sales, as a Cherokee freedmen would be taken up by the Commission to the Five Civilized Tribes, at its offices in Muskogee, Indian Territory, on the 30th day of January, 1905, at which time an opportunity would be given both the applicant and the attorneys for the Cherokee Nation to introduce any testimony they might desire, affecting said application, at which time the case would be taken up for final consideration. The applicant has acknowledged receipt of the Commission's letter.

Now on this 30th day of January, 1905, this cause coming on to be heard, pursuant to said notice, said applicant being called fails to appear, either in person or by attorney, and the Cherokee Nation appearing by its attorneys, Bell, Hastings & Davenport, submits this case upon the evidence now of record.

----------oOo----------

George H. Lessley, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George H. Lessley

Subscribed and sworn to before me this 4th day of February, 1905.

Notary Public.

Cherokee Freedman
R-91

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Ira General Grand Sales, as a Cherokee Freedman.

D E C I S I O N.

It appears from the record herein that on May 22, 1901, Lillie Sanders Sales appeared before this Commission at Vinita, Indian Territory, and made application for the enrollment of herself, her husband, Ira General Grand Sales, and her five minor children, Peter Levy, Ulysses Sampson, Robert Rose, Ira G. Shafter and Annie Evelyn Sales, as Cherokee freedmen. The applications of Lillie Sanders Sales and her minor children, being differently classified, are not passed upon in this decision.

Although ample opportunity has been afforded the applicant, Ira General Grand Sales, to establish by satisfactory evidence, his right to enrollment as a Cherokee Freedman, he has failed to do so. The applicant is not identified upon the 1880 authenticated Cherokee roll.

It is, therefore, the opinion of this Commission that the application made for the enrollment of Ira General Grand Sales, as a Cherokee Freedman, should be denied, under the provisions of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman

Commissioner

Commissioner

Muskogee, Indian Territory,
MAY 2 1905

COPY.

Cherokee Freedmen,
R-91.

Muskogee, Indian Territory, February 25, 1904.

Ira G. G. Sales,

Wister, Indian Territory.

Dear Sir:

In the matter of your application for enrollment as a Cherokee freedman, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to your right to enrollment as a Cherokee freedman.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Monday, April 4, 1904, and introduce testimony as above requested.

Respectfully,

Commissioner in Charge.

1209

COMMISSIONERS.
TAMS BIXBY,
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
R-91

Muskogee, Indian Territory, February 25, 1904.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of Ira G. G. Sales for enrollment as a Cherokee freedman, you are advised that before the Commission can render a final decision in this case it will be necessary that the applicant introduce further testimony tending to show his right to enrollment as a Cherokee freedman.

The said Ira G. G. Sales has therefore this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., Monday, April 4, 1904, and introduce testimony as above requested.

The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire.

Respectfully,

Commissioner in Charge.

COPY.

Cherokee Freedmen
R-91.

Muskogee, Indian Territory, December 1, 1904.

Ira G. G. Sales,

Wimer, Indian Territory.

Dear Sir:

In the matter of the application for your enrollment as a Cherokee freedman, you are advised that before the Comission can render a final decision in this case it will be necessary that further testimony be introduced showing your rights to enrollment as a Cherokee freedman.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Thursday, December 22, 1904, and introduce testimony as above requested. In this connection you are advised that the Commission has heretofore addressed a similar letter to you but you have failed to make any response thereto.

You are further advised that this case will be taken up for final consideration on the date above mentioned.

Respectfully,

Tams Bixby
Chairman.

Registered

OPY.

Cherokee Freedman
R-91.

Muskogee, Indian Territory, January 12, 1905.

Ira G. G. Sales,

Centralia, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 24th ultimo stating that you did not receive the Commission's letter of December 1, 1904, in time to appear here as requested in said letter, but that you will appear as soon as you can.

In reply you are advised that your case has been set for final hearing before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Monday, January 30, 1905, and you are requested to appear on said date and introduce testimony touching your right to enrollment as a Cherokee Freedman.

Respectfully,

SIGNED.

Tams Bixby
Chairman.

Register.

COPY.

Cherokee Freedmen

R-91.

Muskogee, Indian Territory, May 2, 1905.

Ira General Grand Sales,

Wimer, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the record of proceedings had in the matter of the application for your enrollment as a Cherokee freedman, together with a copy of the Commission's decision dated May 2, 1905, rejecting said application.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Incl. S-31
Register

COPY.

Cherokee Freedmen
R-91.

Muskogee, Indian Territory, May 2, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Ira General Grand Sales as a Cherokee freedman, including the Commission's decision dated May 2, 1905, rejecting said application.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Incl. S-33

Through the

Commissioner of Indian Affairs.

D&D

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
R-91.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, May 2, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 2, 1905, rejecting the application for the enrollment of Ira General Grand Sales as a Cherokee freedman.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Incl. 8 pp

-COPY-

Land.
34869-1905.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, May 15, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated May 2, 1905, transmitting the record of the application for enrollment as a Cherokee Freedman by Ira General Grand Sales.

May 2, 1905, the Commission decided adversely to the applicant.

The record shows that the applicant has been afforded ample time and opportunity to furnish evidence to establish his claim to enrollment as a Cherokee Freedman but he has failed to do so. He is not identified on any roll of the Cherokee Nation.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

C. F. Larrabee
Acting Commissioner.

M.M.M.
W.

-Copy-

I.P.
LLB

D. C. 44178-1905.
I.T.D. 5618-1905.
LRS

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

September 18, 1905.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

May 2, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application of Ira General Grand Sales for his enrollment as a Cherokee freedman, including its decision of the same date rejecting said application.

Reporting May 15, 1905, the Indian Office recommended that the Commission's decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation and the decision of the Commission to the Five Civilized Tribes dated May 2, 1905, adverse to the applicant is hereby affirmed.

Respectfully,

(Signed) Thos Ryan
Acting Secretary.

1 inclosure.

Cherokee Freedmen COPY.

R-91.

Muskogee, Indian Territory, September 28, 1905.

Ira General Grand Sales,

Wimer, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated May 2, 1905, rejecting your application for enrollment as a Cherokee freedman, was affirmed by the Department on September 18, 1905.

There is inclosed herewith, for your information, a copy of Departmental letter referred to.

Respectfully,

(SIGNED).

Tams Bixby.

Commissioner.

LS
Incl. S-52

Cherokee Freedman

S-81.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, September 28, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated May 3, 1905, rejecting the application of Ira General Grand Sales for enrollment as a Cherokee freedman, was affirmed by the Department on September 18, 1905.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

Commissioner.

LS
Incl. S-83

Cherokee Freed R-91

Ira G. Sales

Get testimony showing whether or not applicant has any rights under treaty of 1866.

Feb 25

Request for above indicated testimony made Feby 25, 1904, but nothing "doing" as yet.

Address, Ira G. G. Sales, Wimer, I. T.

IN THE MATTER OF THE APPLICATION OF

Ira Y. Y. Sales

FOR ENROLLMENT AS

CHEROKEE FREEDMEN

A. Original testimony May 22

B. Mem. of application " "

REFUSED

ACTION APPROVED BY SECRETARY OF INTERIOR.

SEP 18 1905

Copy of testimony filed with Cherokee Nation.

See Cherokee Freedmen jacket No. ~~845~~ 1130

Cher Fr R 92

Cher Fr R 92

REJECTED, as to Wife, Matilda:

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T?, MAY 22d, 1901.

In the matter of the application of George Meigs, Sr., for the enrollment of himself, wife and child as Cherokee Freedmen; said Meigs being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your name? A George Meigs.
Q How old are you? A I could not tell you.
Q Well as near as you can come? A Well I guess I must be about 60 I guess.
Q What is your post office? A Wimer I belibe.
Q In what district do you live? A Goweescoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you want to apply for anybody besides yourself? A Well, I guess I do, I have got a wife and two children that is under age yet.
Q You apply them for yourself, your wife and two minor children?
A Yes, sir.
Q Are these children both unmarried? A One of them is.
Q And one of them is married? A Yes, sir.
Q That brings you down to one child you can apply for? A Yes, sir
Q Is that child living now? A Yes, sir.
Q How long have you lived in the CherokeeNation? A Why, ever since '66.
Q Did you live in the Cherokee Nation before that? A Yes, sir.
Q Did you live in the Cherokee Nation at the time of the war?
A Yes, sir.
Q Where were you born? A Born in the Cherokee Nation.
Q Have you lived in the Cherokee Nation all your life except a little while about the time of the war? A Yes, sir.
Q Were you a slave in the Cherokee Nation at the time the war brok out? A Yes, sir.
Q To whom did you belong? A Reubin Danile and Lila Daniel.
Q were they recognized citizens of the Cherokee Nation? A Yes, sir.
Q Give me the name of your father? A Peter Meigs.
Q Is he dead? A Yes, sir.
Q How long has he been dead? A I could not tell you.
Q Give me the name of your mother? A Elizabeth Meigs.
Q She is alive isn't she? A Yes, sir, she was enrolled just now.
Q Give me the name of your wife? A Matilda Ward.
Q Her name was Ward was it, Meigs now? A Yes, sir.
Q How old is your wife? A I could not hardly tell you.
Q Well as near as you can come. A I got a paper here.
Q This paper says that your wife was 22 years old in '99, she is about 24 years old now, is that about right? A I guess it is.
Q You say your wife's name is Matilda? A Yes, sir.
Q It is not Maheda? A No, sir, Matilda.
Q When were you and your wife married, in '99? A I guess it must have been.
Q Is this the certificate and license of your marriage? A Yes, sir.

Com'r Breckinridge:--The applicant presents a license issued by the Clerk of the United States Court, Northern District, Indian Territory, on June 26th, 1899, authorizing marriage between himself and his wife, as stated by him. The certificate shows that they were united in marriage on the 31st of July of the same year by the Rev. Shelton D. Brown, This is filed herewith.

Q Does your wife claim to be a Cherokee Freedman of her own right?
A Her father was Cherokee raised and his owners was George Ward.
Q And what about her mother? A Well her mother wasn't.
Q She was an outsider? A Yes, sir, I guess she was.
Q As far as you know? A Yes, sir.

Q Give me the name of your wife's father? A Josh Ward.
Q Is he dead? A No, sir.
Q Give me the name of your wife's mother? A Madilene Ward.
Q Is she dead? A No, sir.
Q And have her father and mother applied for enrollment?
A No, sir, not yet.
Q Now, Josh Ward you think may be a Cherokee Freedmen of his own right? A Yes, sir, I know he is.
Q How old is Josh Ward? A I could not tell you.
Q Well, can you give anything like near it? A No, sir, I couldnot.
Q Is he as old a man as you? A Yes, sir, he is.
Q Is he as old as you? A Yes, sir, he may be a little older.
Q How about Josh's wife, Madilene? A I could not tell you that.
Q She is a good deal younger than you isn't she? A What?
A Is she much younger than you? A She might be, I don't know.
Q Is she a woman of 45 or along there? A I expect she is.
Q Do you know anything about the marriage of Josh Ward to his wife Madilene? A No, sir, I don't.
Q How long has your wife lived in the Cherokee Nation? A I could not tell you that.
Q Give me the name of this child for whom you apply? A George Meigs.
Q Is that a child of this marriage? A No, sir.
Q Child of a former marriage? A Yes, sir.
Q How old is this child? A I guess he must be about 19 years old.
Q Give me the name of the mother of this child? A Cinda Meigs, she was then; before I married her she was Cinda Towers.
Q Is she dead? A No, sir.
Q When did you marry her? A I could not tell you that directly, after we come to Big Creek.
Q Pretty soon after the war? A Yes, sir, pretty soon after we come down here, about a year or two I think.
Q About how long did you and she live together, or about when did you separate? A Why, we lived together a good while; well we got five children.
Q Well how long since you and seh separated? A I could not tell you that.
Q well, I must find out something from you. (No response.)
Q How long after this child, George, was born; don't your remember how old he was, or how big he was? A He must have been, let me see, he must have been about seven or eight years old when me and her parted, I am just guessing at that now.
Q well, you have been parted something like ten or twelve years, something like that? A Yes, sir.
Q Is that far from it? A well that's it, I think he was just about eight or nine years old when me and her separated.
Q That child is named after you? A Yes, sir.
Q well we will call him George Meigs, Jr., if you have no objection.
A We call him Georgie.
Q We will call you Sr. if you have no objection? A Well, sir.
Q Where is your wife, Cinda, living now? A Over here on Big Creek
Q Did you have a divorce from her? A No, sir, nothing more than an agreement that we wasn't no more man and wife.
Q Were you ever married before you married this wife Cinda?
A No, sir.
Q Was she ever married before she married you? A No, sir.
Q How about this present wife, Matilda, was she ever married befos she married you? A No, sir.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and names of applicant and his wife not found thereon.

The 1896 census Roll of Freedmen of the Cherokee Nation examined and names of applicants not found thereon.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and applicant's former wife not found thereon.

The Kerns-Clifton Roll of Freedmen of the Cherokee Nation examined and applicants' names found thereon as follows:
Page 128, #6189, George Meigs, Ceoweescoowee District.
(Name of applicant's wife not found thereon.)
Page 128, #6193, Georgia Meigs, Coweescoowee.

The Wallace Roll of Freedmen of the Cherokee Nation examined and applicant's name found thereon, page 127, #2666, George Meigs, Coosscoowee District.
The name of applicant's wife not found on the Wallace Roll.

BY W. W. HASTINGS, Cherokee Representative:

Q What was your oldest child's name by your first wife? A John Meigs.
Q Is John alive? A Yes, sir.
Q How old is John? A Well, I could not hardly tell you; I had his ages all down, but they ought to know.
Q That is the oldest child? A Yes, sir.
Q Is John here? A Yes, that's him sitting right there.

JOHN MEIGS, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give your name? A John Meigs.
Q How old are you? A 27.
Q What is your post office? A Vinita.
Q Are you a son of this applicant here, George Meigs? A Yes, sir.

GEORGE MEIGS, SR., the Applicant, re-called:

BY W. W. HASTINGS:

Q What was John Meigs' mother? A Lucinda.
Q Married her on Big Creek? A Yes, sir.
Q And you married her about a year after you came here? A Yes, sir, I guess it was about that, two or three years, something like that.
Q Short time after you came back? A Yes, sir.
Q And this is your oldest child? A Yes, sir, and there is my next oldest one sitting there.
Q Did you come back with your father and mother? A Yes, sir.
Q What time of the year was it you came back? A Same when they come.
Q What time of the year? A I don't know.
Was it February? A Yes, sir, I came right along with them and been here ever since, raised up my family.
Q You don't know what time of the year it was? A No, sir.
Q Was it the February at the time Dan Sanders testified that you come? A Yes, sir.
Q You were not married then? A No, sir, I was with my father.
Q You were grown? A Yes, sir, but I was staying right with him.
Q 24 or 25 years of age? A Yes, I was with him, but of course we always was poor and had nothing and I stayed with him until I got a little start.
Q You come in a wagon? A Yes, sir.
Q Did you build a house after you got here? A The house we lived in was built when he came.
Q He bought the house when he come there? A The crowd that was here before built the house; he made a trip and bought this house from this man who said this was too far from grub, wasn't anything to eat out there.
Q You didn't come with your father on his first trip? A No, sir.
Q You come when he came the last time to stay? A Yes, sir.
Q That is a fact is it? A Yes, sir, that is a fact.
Q Know on the ground? A Yes, sir.

Q How long after Christmas was that? A I could not tell you? I never paid any attention to that.
Q You only know that you came with your father here to stay?
A Yes, sir.
Q You never went back to Kansas after that? A I went once?
Q How long did you remain? A I started from home on Friday and got up there on Suday and started back Tuesday.
Q How long was that after you came down there? A I think it was in June.
Q The following summer? A Yes, sir, we run out of grub, I didn't have anything to eat.
Q Do you know the month you come down here first? A No, sir, and I would not undertake to tell you that; what I know that is what I like to tell.

BY COM'R BRECKINRIDGE:

Q How long after you married your wife, Cinda, before this boy John was born? A I don't know, some two or three years I guess.
Q Didn't have any child for two or three years? A No, sir, I don't think I did.
Q And how long did you say you had been in the Cherokee Nation before you married? A Must have been some two or three years, I didn't keep any account.
Q You had made several crops had you? A Yes, sir.

COM'R BRECKINRIDGE:--The applicant applies for the enrollment of himself and one minor child: The applicant states that he has lived in the Cherokee Nation all his life except his absence during the war and a short time thereafter when he was in the State of Kansas. He is identified on the Wallace roll and the Kerns-Clifton roll, but not upon the roll of 1880 or upon that of 1896. For further testimony in regard to the time when he returned to the Cherokee Nation from the State of Kansas, reference is made to the case of his mother, Elizabeth Meigs, which has been taken in the course of this afternoon, and a copy of the testimony in her case will be filed in this case. The applicant is not something like 60 years of age, and his testimony is that he came down to the Cherokee Nation for the first time after the war when his father moved the family down in the winter as he claims of 1866. Much of his testimony shows that it was in the February following the August of 1866, Attention will also be directed to the probable application made by this family to the Cherokee Citizenship or Supreme Court at some time prior to the Wallace Court, of the Cherokee Nation in the matter affecting their status as Cherokee Freedmen. The applicant will now be listed for enrollment as a Cherokee Freedman on a doubtful card for the further consideration of his case.

His child, George Meigs, Jr., is identified on the Kerns-Clifton Roll. This child's mother is shown to have been lawfully married to the applicant soon after the close of the Civil War. She is not identified on any roll and it does not appear that the child derives any right through its mother. It is a minor and still living and this child will now be listed for enrollment as a Cherokee Freedman on a doubtful card to await the determination of his status through his father.

As for the applicant's present wife, Matilda Meigs; she is shown to have married him in July, 1899. The license and certificate relating thereto are filed herewith. The applicant's wife is 24 years of age; she is not identified upon any roll in the possession of the Commission; neither is her father or her mother, both of whom are said to be alive, identifiedupon any roll in the possession of the Cherokee

Nation and all of them have been searched. It further appears that the applicant never procured a judicial divorce from his first wife from whom he has been parted something like ten years. Therefore, the applicant's present wife having no status apparently of herown and having married too late to have acquired the right of enrollment by intermarriage, and her husband never having procured a judicial divorce from his first wife, is considered to have no right to enrollment at this time and the application for her enrollment is rejected.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Rosson

Subscribed and sworn to before me this 28th day of May, 1901.

Commissioner.

76 C.

J. R. 92

DEPARTMENT OF THE INTERIOR
COMMISSIONER OF INDIAN AFFAIRS
RECEIVED
SEP 1917

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date May 22. 01

Post Office Wynnewood I.T.

District Choc

1. Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

2. Name of wife Matilda Mingo Age 24

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father Josh Hadd - a Citizenship Choc.

Mother Madeline " a Citizenship "

Names of Children:

3. ..... Year ..... Page ..... No. ..... Dist. .....

4. ..... Year ..... Page ..... No. ..... Dist. .....

5. ..... Year ..... Page ..... No. ..... Dist. .....

6. ..... Year ..... Page ..... No. ..... Dist. .....

7. ..... Year ..... Page ..... No. ..... Dist. .....

8. ..... Year ..... Page ..... No. ..... Dist. .....

9. ..... Year ..... Page ..... No. ..... Dist. .....

10. ..... Year ..... Page ..... No. ..... Dist. .....

11. ..... Year ..... Page ..... No. ..... Dist. .....

12. ..... Year ..... Page ..... No. ..... Dist. .....

Application made by George Mingo. Stenographer Ross on.

-Cl. F. 78. 92

this ..... day of ..... A. D. 189 .....

By ..... Deputy.

Clerk.

DEPARTMENT OF THE INTERIOR
COMMISSIONER OF [illegible]
FILED
AUG 22 1901
[illegible] GERMAN

CERTIFICATE OF RECORD.

United States of America,
INDIAN TERRITORY,
Northern District. } ss.

I, JAMES A. WINSTON, Clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the ... day of ..., 189..., at ... M., and duly recorded in Book ..., Marriage Record, Page ...

WITNESS my hand and seal of said Court at Muscogee, in said Territory, this ... day of ... A. D. 189...

Clerk.

By ..... Deputy.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
RECEIVED
AUG 30 1901

MARRIAGE LICENSE

FILED

JAN 19 1900

United States of America, } ss. No.
INDIAN TERRITORY,
Northern District.

To Any Person Authorized by Law to Solemnize Marriage---Greeting:

You are Hereby Commanded to Solemnize the Rite and publish the Banns of Matrimony between Mr. George Riggs, of Ruby, in the Indian Territory, aged 60 years, and Miss Mahuda Ward, of Ruby, in the Indian Territory, aged 22 years, according to law, and do you officially sign and return this License to the parties therein named.

WITNESS my hand and official seal at Wewoka, Indian Territory, this 26th day of June, A. D. 1899.

James C. Stuttan
Clerk of the U. S. Court.

By J. C. Anderson, Deputy.

CERTIFICATE OF MARRIAGE.

United States of America, } ss.
INDIAN TERRITORY,
Northern District.

I, Shelton D. Brown, a Minister of the Gospel,

DO HEREBY CERTIFY, that on the 31 day of July A. D. 1899,

I did duly and according to law as commanded in the foregoing License, solemnize the Rite and publish the Banns of Matrimony between the parties therein named.

WITNESS my hand this 31 day of July A. D. 1899.

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Northern District,

Book ....., Page .....

Shelton D. Brown
A Minister of the Gospel.

NOTE—This License and Certificate of Marriage must be returned to the Office of the Clerk of the United States Court in the Northern District, Indian Territory, from whence it was issued, within sixty days from the date thereof, or the party to whom the License was issued will be liable in the amount of One Hundred Dollars (penalty).

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Joshua Ward et al., for enrollment as Cherokee Freedmen, consolidating the applications of--

Joshua Ward, et al., Cherokee Freedmen R 156,
Matilda Meigs, Cherokee Freedmen R 92.

-:-

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by Joshua Ward for himself and minor children, Turner, Minnie, Eila , Ellen and Jefferson Ward; and by George Meigs Sr., for the enrollment of himself and minor child, George Meigs Jr., and wife, Matilda Meigs, but as the application for the enrollment of George Meigs Sr., and George Meigs Jr., has been heretofore disposed of, they will not be embraced in this decision.

The evidence herein shows that the applicant, Joshua Ward, was the slave of a Cherokee citizen at the commencement of the Rebellion; that he was taken out of the Cherokee Nation during said Rebellion, and did not return thereto and establish a residence therein within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of Cherokee freedmen to said Nation. The other applicants herein are children of the said Joshua Ward, were born since 1866, and possess no rights to enrollment other than as descendants of their said father . None of the applicants herein can be identified on any roll of the Cherokee Nation.

Status and credibility of applicants' witnesses: This Commission has found, in the cases of Peter and Squire Ward, Cherokee Freedmen Nos. R-282 and R-285, respectively, that the said Peter and Squire Ward did not return to the Cherokee Nation, after the war, within the time specified in the Whitmire decree, and, on April 29, 1904, the Commission's finding was approved by the Department. Jim (Sheep) Alberty, has, by this Commission, been

denied enrollment as a Cherokee freedman, on the ground that he was not the slave of a Cherokee citizen at the commencement of the Rebellion; and on account of his general disreputableness, little credit is given his testimony, either by this Commission or the Department, as indicated in Departmental letter of August 17, 1904 (I.T.D. 1422-4998-04). Sawney Curry, although claiming to be a Cherokee freedman, has made no application for enrollment as such.

In connection with the Commission's theory of this case, attention is called to the fact that -The burden of proof is on the applicants, to establish by satisfactory evidence, their rights to citizenship in the Cherokee Nation; and that if, after ample opportunity having been afforded, applicants fail to so establish their rights to citizenship in said Nation, they should be denied enrollment under the rulings of the Department in the cases of Eliza Bryant et al., (I.T.D. 3642-04), Ed Williams, (I T.D. 4230-04), William Rector, (I.T.D. 1468-04), Minnie Duncan, et al., (I.T.D. 1470-04), Samantha Chambers, (I.T.D. 2296-04), Martha Albert, et al., (I.T.D. 4732-04), and Moses Moss (I.T.D. 6056-04).

It is, therefore, the opinion of this Commission that the applications for the enrollment of Joshua Ward, Turner Ward, Minnie Ward, Ella Ward, Ellen Ward, Jefferson Ward and Matilda Meigs, as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Chairman

(SIGNED)

Commissioner

(SIGNED)

Commissioner

Muskogee, Indian Territory,
MAY 13 1905

COPY.

Cherokee Freedman
R-92.

Muskogee, Indian Territory, May 13, 1905.

Matilda Meigs,

Wimer, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the record of proceedings had in the matter of the application for the enrollment of yourself as a Cherokee freedman, together with a copy of the Commission's decision, dated May 13, 1905, rejecting, among others, your said application.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED. Tams Bixby.
Chairman.

Incl. L-14.

Register.

COPY.

Cherokee Freedman
R-156--92.

Muskogee, Indian Territory, May 13, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, rejecting the applications for the enrollment of Joshua Ward et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Incl. L-15.

COPY.

Cherokee Freedman
R-156--92.

Muskogee, Indian Territory, May 13, 1905.

The Honorable
The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the applications for the enrollment of Joshua Ward et al., as Cherokee freedmen, including the Commission's decision, dated May 13, 1905, rejecting said applications.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

Incl. L-16.

Through the
Commissioner of Indian Affairs.

-COPY-

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

LAND:
37646-1905

WASHINGTON. May 23, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated May 13, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Joshua Ward for himself and his minor children, Turner, Minnie, Ella, Ellen and Jefferson Ward; and by Matilda Meigs for herself.

May 13, 1905, the Commission decided adversely to all the applicants.

The record shows that the applicant, Joshua Ward, was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that he was taken out of the Cherokee Nation during the war, and that he did not return to said Nation and establish a residence therein on or before February 11, 1867; that the other applicants are the children of Joshua Ward, born since 1866 and possess no rights to enrollment other than as descendants of their father. None of the applicants is identified on any roll of the Cherokee Nation.

In view of the record the approval of the Commission's

decision adverse to the applicants is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

M.M.M.
W.

-COPY- G.R.

DEPARTMENT OF THE INTERIOR, LLB

D.C. 22999
I.T.D. 6062,8505-1905. WASHINGTON.

L.R.S. June 4, 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

In accordance with the recommendation of the Indian Office of May 23, 1905, the decision of the Commission to the Five Civilized Tribes dated May 13, 1905, denying the applications for the enrollment of Joshua Ward and his minor children, Turner, Minnie, Ella, Ellen, and Jefferson Ward, and Matilda Meigs as Cherokee freedmen, is hereby affirmed, and a motion filed with the Department September 7, 1905, by Messrs. Blue & Bulger and McGowan, Serven & Mahun, for review of said decision is hereby denied.

A copy of the Indian Office letter is inclosed.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

1 inclosure.

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
R-92

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 16, 1906.

Matilda Meigs,
Wimer, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated May 12, 1905, rejecting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior June 4, 1906.

Respectfully,

Commissioner.

MMP

Cherokee Freedmen
R 156 et al.

COPY.

Muskogee, Indian Territory, June 16, 1906.

Blue & Bulger,

Attorneys for Joshua Ward, et al.,

Baxter Springs, Kansas.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, rejecting the applications of Joshua Ward, et al., for enrollment as Cherokee Freedmen, was affirmed by the Secretary of the Interior June 4, 1906, and that the motion filed by you September 7, 1905, for review of said decision is denied.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Tams Bixby.

Commissioner.

Encl. P-23
MMP

Cherokee Freedmen
R-156 et al.

COPY.

Muskogee, Indian Territory, June 16, 1906.

Bell, Hastings & Davenport,
Attorneys for Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, rejecting the applications of Joshua Ward, et al., for enrollment as Cherokee freedmen, was affirmed by the Secretary of the Interior June 4, 1906, and that the motion filed September 7, 1905, for review of said decision is denied.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

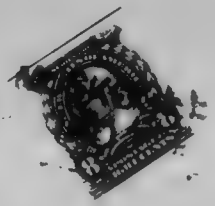
COMMR.

Tams Bixby.
Commissioner.

Encl. P-24
MKP

Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE $300



Registered No. [illegible]

Department of the Interior.
Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.







Matilda Meier,

Wimer, Indian Territory.

CHEROKEE FREEDMAN
ENROLLMENT REFUSED.

R 82

IN THE MATTER OF THE APPLICATION OF

Matilda Mings

FOR ENROLLMENT AS

CHEROKEE FR[illegible]MEN

A. Original testimony May 22. 01.
B. Mem. of application " "
C. Marriage license and cert.

[illegible]

See Cherokee Freedmen Jacket No 2394.

Cher Fr R 93

Cher Fr R 93

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., MAY 23d, 1901.

In the matter of the application of Samuel Adams for enrollment as a Cherokee Freedman by intermarriage; said Adams being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your name? A Samule Adams.
Q How old are you? A 34.
Q What is your post office? A Vinita.
Q In what district do you live? A Delaware.
Q Do you want to be enrolled as a Cherokee Freedman? A No, sir, intermarried man.
Q Cherokee Freedman by intermarriage then? A Yes, sir.
Q Do you want to apply for anybody besides yourself? A No, sir.
Q Has your wife been applied for? A Yes, sir.
Q Whdn did you marry? A Eleven years ago.
Q To whom were you married? A She was Haddie Bean.
Q Have you a license and certificate? A No, sir.
Q Did you get out a Cherokee license? A I guess that is what you call it, married by a preacher.
Q What kind of a paper did you get out before the preacher married you? (No response.)
Q Did you go to the Clerk of the ~~Khnrokee~~District you lived in?
A I went to the Mayor of the Town.
Q Why did you go there? A ~~Because I was instructed to go there~~ by the preacher.
Q What did you do when you went there? A I told him I wanted to get married.
Q Did you get any license before you went to the preacher? A No, sir.
Q You didn't get any license? A No, sir.
Q You just got the preach to marry you, was that all? A Yes, sir.
Q He gave you a certificate? A Yes, sir.
Q Have you got that? A No, sir, it is at home.
Q Were you ever married except to this wife? A No, sir.
Q Was she ever married except to you? A No, sir.
Q Have you and she lived together ever since you were married?
A Yes, sir.
Q You have never been admitted to enrollment by the Cherokee authorities? A I have tried to get enrolled.
Q Would they put you on the roll? A They would put me on in some kind of shape; they would take my statement all the time.
Q Your only claim to enrollment is by intermarriage is it?
A That is all I had not, I tried to get enrolled as Freedman, my father and mother were slaves.
Q In the Cherokee Nation? A Yes, sir.
Q You haven't any right in my opinion as an intermarried citizen, even if the law admitted Freedman to acquire the right by intermarriage, you didn't get out a license? A No, sir.
Q You think you may have a right of your own as a Cherokee Freedman
A Yes, sir.
Q Give me the name of your father? A Harvey Adams.
Q Is he dead? A No, sir.
Q Give me the name of your mother? A Fanny.
Q Is she dead? A No, sir, she is in the Insane Asylum.
Q Has your father applied yet for enrollment? A No, sir, I don't think he has.
Q How long have you lived in the Cherokee Nation? A I have lived about 19 years off and on.
Q Where were you born? A I don't know that.
Q Have you ever applied to any Court or Commission to be admitted to Citizenship as a Cherokee Freedman? A Yes, sir.
Q To what Court? A Kerns and Clifton.
Q Did they allow you on that roll? A They took my statement.
Q Did you get Cherokee strip money? A No, sri.
Q Is that all? A Yes, sir, that is the only one, my father made applicant for me on the Wallace roll.

Q Did he draw any money from that roll? A No, sir.
Q And that is all you know about it? A Yes, sir, my aunt and uncles is on the roll.
Q Did they live continuously in the Cherokee Nation, your Aunts and Uncles that are on the rolls? A Yes, sir.
Q You say you haven't lived continuously in the Cherokee Nation?
A No, sir, I didn't say I had.

The 1880 Authenticated Roll of name of applicant nor that or his father or mother not found thereon.
The 1896 Census Roll of Freedment of the Cherokee Nation examined and applicant's name not found thereon.
The Wallace Roll of Freedmen of the Cherokee Nation examined and applicant' name and that of his father and mother not found thereon.
The Kerns-Clifton Roll of Freedmen of the Cherokee Nation examined and applicant8s name not found thereon.

COM'R BRECKINRIDGE:--The applicant states that he has lived in the Cherokee Nation off and on for 19 years and calims to be married to one Hattie Bean now Hattie Adams. This woman with her children is enrolled upon straight Cherokee Freedman Card #734. The applicant first applies as a Cherokee Freedman by intermarriage, but states that he was never married to his wife in accordance with Cherokee law, never having procured a Cherokee license. He is not identified upon any roll now in the possession of the Commission and he is not considered entitled to enrollment as a Cherokee Freedman by intermarriage. He also lays claim to the right of enrollment by inheritance apart from his marriage. Neither his father nor mother are identidied upon any roll in the possesion of the Commission and as previously stated, the applicant himself is not identified upon any roll in the possession of the Chommission. Upon these conditions no ground is seen to justify his enroll ment at this time and the application for his enrollment will be listed for rejection.

---ooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded th t stimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

subscribed and sworn to before me this 28th day of May, 1901.

C. Breckinridge

Commissioner.

Ne. Ct. Fl. 93.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
MAY 23 1901

ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date May 23, 1901

Post Office Vinita, I.T.

District Delaware, I.T.

1. Name Samuel Adams Age 34

Owner's name Citizenship

Year Page No. District MAY 23 1901

Parents:

Father Harvey adams living Citizenship

Mother Fannie adams " Citizenship

2. Name of wife Age

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

3. Year Page No. Dist.
4. Year Page No. Dist.
5. Year Page No. Dist.
6. Year Page No. Dist.
7. Year Page No. Dist.
8. Year Page No. Dist.
9. Year Page No. Dist.
10. Year Page No. Dist.
11. Year Page No. Dist.
12. Year Page No. Dist.

Application made by Samuel Adams Stenographer J. O. Rosson

Rejected

~~Ref to 934~~

Power of Attorney

FROM

Samuel Adams

TO

A W Blue

and

S J Clark

FILED
JUN 20 1904
COMMISSION TO FIVE TRIBES.

COLUMBUS (KANSAS) ADVOCATE PRINT.

POWER OF ATTORNEY.

Know All Men by These Presents, That whereas,

Samuel Adams for himself

is a claimant for enrollment on the Cherokee roll as a Freedman and has been by the commission to the Five Civilized Tribes placed on the doubtful roll and refused enrollment, and, whereas, said applicant believes and alleges the fact to be that he has a valid and just claim to be placed upon the roll and share in the property of the Cherokee Nation, and whereas the said applicant believes and alleges the fact to be that he has not had a fair and impartial trial of his claim for such enrollment by reason of fraud practiced by the prevailing party, the Cherokee Nation and its attorneys, and mistakes and error of law and misconstruction of the law by the said Commission to the Five Civilized Tribes and by reason of improper and illegal practices in the admission of testimony on behalf of the said Cherokee Nation in the case of said claimant without any opportunity for cross-examination by said applicant or to rebut the the testimony offered in the absence of said claimant.

Now, therefore, said applicant for himself and minor children have made, constituted and appointed, and by these presents do make, constitute and appoint,

R W Blue & C B Glover

our lawful attorney irrevocable for me or for us and in our names, place and stead, hereby annulling and revoking all former powers of attorney or authorization, whatever, in the premises to represent Samuel Adams

before the Commissioner to the Five Civilized Tribes and before the departments of the Government of the United States or any bureau or commission thereof, ~~in any and all courts and before congress~~ in all matters relating to said claim for enrollment or any business growing out of it, giving and granting to said attorney full power and authority to do and perform all and every act and thing whatsoever requisite and necessary to be done in and about the premises as fully to all intents and purposes as I might or could do if personally present at the doing thereof, with full power of substitution and revocation, and to receive and sign all necessary vouchers and other papers and to verify all petitions or pleadings, hereby ratifying and conferring all that My said attorney or their substitutes shall or may lawfully do or cause to be done by virtue thereof.

In witness whereof I have hereunto set my hand and seal on this 15th day of June, A. D. 1904.

Witnesses to Mark:

Samuel Adams (Seal)

(Seal)

(Seal)

(Seal)

(Seal)

(Seal)

(Seal)

(Seal)

(Seal)

(Seal)

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern JUDICIAL DISTRICT, } ss.

Before me Frank C Rosenthal Notary Public in and for said District and Territory appeared in person Samuel Adams

to me personally well known as the person whose name appears upon the within and foregoing power of attorney as the party executing the same, and stated that he had executed the same for the consideration and purposes therein mentioned and set forth and I do hereby so certify.

In testimony whereof, I have hereunto set my hand and official seal on the 15th day of June A. D. 1904.

Frank C Rosenthal
Notary Public

My commission expires Feby 12th 1906

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., NOVEMBER 15, 1904

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of Samuel Adams as a Cherokee Freedman.

APPEARANCES:
Applicant appears in person and by Attorneys, Blue & Bulger
Cherokee Nation by its representative, W. W. Hastings.

JOE BEAN, being first duly sworn, testified as follows:

BY MR. BULGER:
Q What is your name? A Joe Bean.
Q What is your post office address? A Vinita.

BY MR. HASTINGS:
Q Have you ever been arrested? A Yes sir.
Q When? A It has been a hold lot of years ago.
Q Where was you arrested? A Up at Vinita.
Q By what Court or authority? A United States.
Q What for? A Whiskey.
Q Was you convicted? A No sir.
Q What was done with you? A They turned me loose and I went home.
Q Did you plead guilty? A No sir I never sold none.
Q Have you ever been arrested since? A No sir.
Q You was not arrested last year? A Yes sir, I was.
Q What for? A They accused me of putting out fire.
Q What was done with you? A Turned me loose.
Q Was you ever arrested upon any other charge? A No sir.
Q Neither in the United States or Cherokee Courts? A No sir.

BY MR. BULGER:
Q Are you acquainted with Sam Adams, the applicant in this case?
A Yes sir.
Q Was you acquainted with his parents? A Yes sir.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q Was you acquainted with his parents before the war? A Yes sir.
Q Were they slaves of a citizen of the Cherokee Nation before the war? A Yes sir.
Q Who was their owner? A Mrs. Adair was his mother 's owner.
Q Who was his father's owner? A Mr. Martin.
Q Was you acquainted with Sam Adams' grand-parents? A Yes sir.
Q Were they slaves of Cherokee citizens at the commencement of the rebellion? A Yes sir.
Q Is Sam Adams' father dead now? A Yes sir.
Q Where did he die? A On Panther Creek.
Q Where is Panther Creek? A About three miles from Chelsea.
Q In the Cherokee Nation? A Yes sir.
Q How long have you known Sam Adams Mr. Bean? A Ever since he was a baby.
Q Where was he when you first got acquainted with him? A His mother had him at my house.

Q Where was that? A On Grand River.
Q Has Sam been in the Cherokee Nation ever since that time? A I don't know I have been knowing him for about 23 years since that.
Q Where have you known him to be during that time? A Right around my place close to Vinita.
Q Does he live up there now? A Yes sir at Vinita.
Q Has he a farm out there near Vinita? A Yes sir.
Q Do you know whether or not Sam Adams' mother is dead? A No sir I don't know whether she is or not.
Q You say Sam Adams has been living in the Cherokee Nation for the last twenty years or more? A Yes sir twenty or twenty two years.
Q About how long ago was it since his father died in the Cherokee Nation? A It has been about a year.
Q Was his father in the Cherokee Nation at the time the Kern-Clifton Roll was made in 1896? A Yes sir.

BY MR. HASTINGS:
Q His father and mother lived up at Garnett, Kansas? A Yes sir.
Q They came down about that time to be enrolled didn't they? A I don't know that they did.
Q His mother lives up there now doesn't she? A I don't know whether she is living or not.
Q What is the information you have of it? A Yes sir.
Q This boy has been down here you think the most of the time for twenty one or twenty two years? A Yes sir.
Q But his mother lives up there now so far as you know? A Yes sir so far as I know.

LEANDER BEAN, being first duly sworn, testified as follows:

BY MR. BULGER:
Q What is your name? A Leander Bean.
Q Where do you live? A On Grand River near Vinita.
Q How old are you? A About 54 years.
Q Are you acquainted with Sam Adams? A Yes sir.
Q Are you a recognized citizen of the Cherokee Nation? A There might be some little doubt yet, I was bred and born in here and supposed to be a citizen of the Cherokee Nation.
Q Are you any relation to Sam Adams? A Yes sir.
Q What relation? A He is my sister's son.
Q You know whether or not Sam Adams' father and mother were slaves of Cherokee citizens at the commencement of the rebellion? A Yes sir.
Q Who was their owners? A His mother was the slave of Adairs.
Q And his father? A To Martins, Lucy Martin is all the one I knowed him to belong to.
Q Was you acquainted with Sam Adams' grand-parents? A Yes sir.
Q Were they slaves of citizens of the Cherokee Nation? A Yes sir.
Q To whom did they belong? A They lived on the same place, Lucy Martin.
Q How long have you known Sam Adams? A I have knew him ever since he was a child you might say.
Q How long have you known him to be in the Cherokee Nation? A I guess about twenty two or twenty three years, right along there somewhere.
Q Do you know whether or not Sam Adams' father is dead? A Yes sir he is dead.

Q When did he die? A He died I guess about two years ago.
Q Where? A There on Panther Creek.
Q In the Cherokee Nation? A Yes sir.
Q Do you know whether or not Sam Adams' mother is dead or alive?
A I haven't seen her but I hear from her once in a while.
Q Where is she now? A In Kansas somewhere.
Q Is she in an asylum up there? A I say she is, I don't know.
Q How long has she been in the asylum, do you know? A I don't know I souldn't state.
Q Were the parents of Sam Adams liberated by the voluntary act of their owners? A Liberated like I was, soldiers took us away.
Q When did they take Sam Adams' parents away? A At the same time.
Q About what year? A Said to be in 1862.
Q Is Sam Adams now a resident of the Cherokee Nation? A Yes sir.
Q Do you know whether or not he has ever exercised the rights of citizenship in the Cherokee Nation? A I have seen him vote.

BY MR. HASTINGS:
Q Sam Adams' father just come down from Kansas during the Kern-Clifton enrollment didn't he? A He was here once before.
Q How long before that? A During the Wallace Roll.
Q That was in 1889? A I don't know when.
Q Was the Wallace Roll made in 1889? A I don't know whether it was or not, he was here then.
Q That was Sam's father? A Yes sir.
Q He lived though near Garnett, Kansas? A I don't know where he lived.
Q Well he lived in Kansas? A He was here I don't know where he lived.
Q You knew he lived in Kansas didn't you? A He had lived there.
Q He went back didn't he? A He went away from Vinita, Yessir.
Q He just come and attended that Court and went back didn't he?
A He went away, I don't know where.
Q When did he come back from up in Kansas? A I don't know he was at the Wallace Court.
Q Prior to that time he hadn't lived here? A He didn't live with us, I don't know where he lived.

BY MR. BULGER:
Q You say that Sam's father went out of the Territory with you when you was taken out with the soldiers? A Yes sir.
Q Did you return to the Territory shortly after the war? A Yes sir before that.
Q When did you see Sam's father in the Territory the first time?
A During the Wallace Court, which it is admitted was in 1889.
Q You have known Sam to vote in the Cherokee Nation? A Yes sir.
Q And exercised the rights of citizenship to that extent? A Yes sir.

BY THE COMMISSION:
Q When did you say was the first time you saw Sam's father in the Cherokee Nation after the war? A During the Wallace Court.
Q That was the first time? A Yes sir.
Q It was your understanding at that time that he came from some place to the Cherokee Nation? A Yes sir from somewhere.
Q Sam had been there sometime before that had he himself? A Yes sir, he had been there a good while.
Q Probably twenty years all together? A Often and on, yes sir, about twenty years I guess right at that.

Q He hadn't been here until about twenty years ago so far as you know? A About twenty two years ago I guess.
Q He came from Kansas you say? A I don't know where he came from.
Q Do you know anything about Sam's mother? A I don't know where she is in some asylum, some place I don't know where.
Q Do you know whether or not she ever lived in the Cherokee Nation after the war? A I don't know.

SAMUEL ADAMS, being first duly sworn, testified as follows:

BY THE COMMISSION:
Q What is your name? A Samuel Adams.
Q You are an applicant for citizenship rights in the Cherokee Nation before this Commission? A Yes sir.
Q Where do you live? A I live in Vinita.
Q How long have you lived there? A Right at Vinita about twelve years.
Q When did you first go to the Cherokee Nation, what year was it?
A I don't just remember the year.
Q How many years ago was it since you first came to the Cherokee Nation? A It has been twenty two years ago, somewhere along there.
Q When did your father come to the Cherokee Nation after the war?
A The first I knew of him coming here was about a year before the Wallace Roll was made, right along there somewhere, six months or a year.
Q That was the first your father had been in the Cherokee Nation since the war was it? A So far as I know.
Q You never heard him claim anything to the contrary did he? A No sir I don't know as I ever heard him say anything about it.
Q He was here before the war? A Yes sir.
Q Where does your father live now? A He is dead.
Q Where did your father live when you came to the Cherokee Nation?
A He lived in Kansas.
Q About Garnett, Kansas? A Yes sir, not right in town, close.
Q Where is your mother? A I don't know whether she is in an insane asylum now or at Garnett at the Poor Farm, the last letter I got from one of the physicians at the Poor Farm he claimed they were crowded at the Poor Farm and had to divide them up.
Q You mother hasn't lived in the Cherokee Nation since the war so far as you know? A No sir.
Q

BY MR. HASTINGS:
Q When was you in Garnett last? A It has been about seventeen or eighteen years ago.
Q You haven't been in Garnett for that long? A No sir.
Q Have you been in Kansas since? A Have been at Coffeyville.
Q Haven't been in the neighborhood of Garnett since then? A No sir.

BY MR. BULGER:
Q Have you lived in the Cherokee Nation since you returned about twenty two years ago as you say? A I made one trip back since then.
Q Have you exercised the rights of citizenship down here in the Cherokee Nation? A Yes sir, I have voted, no objections to my voting.

Q Do you own any property in the Cherokee Nation? A I did.
Q Was it improvements on a farm? A Yes sir, and a house I lived in right in the edge of Vinita.
Q You don't know whether or not your parents returned to the Cherokee Nation promptly after the war? A No sir, I don't know about that.
Q Was you living in the Cherokee Nation prior to June 28, 1898?
A Yes sir.
Q You had a home up there did you? A Yes sir, I am living at one of the places now.
Q Had you settled in the Cherokee Nation in good faith prior to that date? A Yes sir, I married here.

Mr. Bulger: The Attorney for the applicant desires thirty days in which to file brief.

By the Commission: Request of Attorney for applicant granted.

H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

H M Vance

Subscribed and sworn to before me this 6" day of January, 1905.

Charles T. Sawyer
Notary Public.

Cherokee Freedman R 93.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Samuel Adams as a Freedman citizen of the Cherokee Nation.

--:--

D E C I S I O N.

The record in this case shows that on May 23, 1901, Samuel Adams appeared before this Commission at Vinita, Indian Territory, and made application for enrollment as a citizen by intermarriage of the Cherokee Nation, and as a Cherokee freedman. Further proceedings in the matter of said application were had November 18, 1904, at Muskogee, Indian Territory.

The evidence in this case shows that the applicant, Samuel Adams, claims the right to enrollment as an intermarried citizen of the Cherokee Nation by virtue of his marriage, about the year 1890, with one Mattie Adams, nee Bean, whose name is included in a partial roll of Cherokee freedmen approved by the Secretary of the Interior on January 16, 1903, opposite No. 1809.

The evidence further shows that Harvey Adams and Fannie Adams are the parents of the said applicant, Samuel Adams; that the said Harvey and Fannie Adams were the slaves of a Cherokee citizen at the commencement of the rebellion, were taken from the Cherokee Nation during said rebellion, and did not return thereto within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs the Cherokee Nation, et al., for the return of freedmen to the Cherokee Nation; and that the said applicant, Samuel Adams, was born since 1866, and possesses no rights to enrollment as a Cherokee freedman other than as a descendant of his said parents. Neither the said Samuel Adams nor his said parents can be identified on any roll of the Cherokee Nation in the possession of the Commission.

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Lemuel Welcome, (I.T.D. 5048-11776-04) the application of Samuel Adams for enrollment as a citizen by intermarriage of the Cherokee Nation should be denied, under the provisions of section twenty-one of the Act of Congress below noted; and that the application of Samuel Adams for enrollment as a Cherokee Freedman should be denied under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman

Commissioner

C. R. Breckinridge
Commissioner

Dated at Muskogee, Indian Territory,

this MAY 27 1905

DEPARTMENT OF THE INTERIOR.

To the Honorable, the Secretary of the Interior:

In the matter of the application of the following named persons for enrollment as Cherokee Freedmen, consolidating the applications of:

Samuel Adams, Cherokee freedman R- 93.

The Commission finds that Sam Adams is a son of Harvey and Fannie Adams who were slaves of a Cherokee citizen at the commencement of the WAR, and were taken out of the Nation during said WAR, but returned thereto soon after the proclamation of the treaty- how soon there is some dispute, but the fact that they were taken out- their going being COMPULSORY, and the fact that they returned so soon as they did, whether it was in 1865,6 or 7, shows that their action in remaining away, if they did, does not overthrow the presumption that they retained their Cherokee citizenship. Samuel beingtheir son, and being born in the Nation soon after the WAR, and having resided therein continuously, is presumed to be a Cherokee citizen, and as there is no evidence that even tend to show that he ever abandoned his rights, he is entitled to enrollment.

A decision BASED on proper grounds will enroll him.

MOTION FOR REVIEW OF DECISION.

Come now the above named persons who have been denied enrollment as Cherokee Freedmen, by their attorneys, Blue & Bulger and McGowan & Serven, and move the Honorable Secretary of the Interior to open their respective cases above named; to review the decisions of the Commission to the Five Civilized Tribes denying said applications; to reverse said decisions, and to enroll each of the said applicants as a Cherokee Freedman, for the following reasons:

The decision of said commission in the matter of each application was and is contrary to law.

The evidence adduced by said applicants in support of their applications show:

1. That each of said applicants was a slave of a Cherokee citizen at the time of the commencement of the war of the rebellion and was liberated by voluntary act of his Cherokee owner or by law, or is the descendant of such slave.
2. That each of said applicants, if born, was a resident in good faith in the Cherokee Nation prior to June 28, 1898.
3. That said applications were made prior to September 1, 1902.
4. That at the date of said application, the said applicants had not abjured or forfeited their Cherokee citizenship by moving out of the Cherokee Nation with their effects to some other state or nation and by becoming a citizen thereof.

S. [illegible] parents being legally residents of the Cherokee nation on August 11, 1866, and being made citizens thereof on that date, and Samuel being born in the Nation soon after the WAR and having resided therein continuously, said applicants, by their attorneys, respectfully request that they be enrolled as Cherokee Freedmen.

.....

.....

Attorneys for Applicants.

Service of the above motion accepted and a copy of the same received by the attorneys for the Cherokee Nation, at Vinita, I. T., this day of , 1905.

BELL, HASTINGS & DAVENPORT,
Attorneys for Cherokee Nation.

By_____

1904

COMMISSIONERS
TAMS BIXBY,
THOMAS B NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY,

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
R 93

Muskogee, Indian Territory, February 25, 1904.

Samuel Adams,

Vinita, Indian Territory.

Dear Sir:

In the matter of your application for enrollment as a Cherokee Freedman you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to whether or not your parents were the slaves of Cherokee citizens at the commencement of the war of the rebellion and the date of their return to the Cherokee Nation after the war; also further testimony as to your right to enrollment as a Cherokee Freedman.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Tuesday April 5, 1904, and introduce testimony as above requested.

Respectfully,

Commissioner in Charge.

M2?

COMMISSIONERS
TAMS BIXBY,
THOMAS B NEEDLES,
C. R. BRECKINRIDGE,
W. E STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
R 93

Muskogee, Indian Territory, February 25, 1904.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of Samuel Adams for enrollment as a Cherokee Freedman you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to whether or not applicant's parents were slaves of Cherokee citizens at the commencement of the war of the reb ellion and the date of their return to the Cherokee Nation after the rebellion; also further testimony as to his right to enrollment as a Cherokee Freedman.

The said Samuel Adams has, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Tuesday April 5, 1904, and introduce testimony as above requested.

The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire.

Respectfully,

Commissioner in Charge.

Vinita June 14. 1904

Hon Commission to the Five Civilized Tribes
Muskogee I.T.

Gentlemen.

Owing to the sickness of the wife of Joseph Bean and of his inability to procure any one competent to stay in his place compelled me to ask that you reopen the case at an early date

It was placed on your docket to be heard on April 5. 1904. I will then appear with him and other witness

Respt

Samuel Adams
per Blue and Clark
Attys

Siuita June 15. 1904

Dear Col

Find enclosed $ of Atty of Samuel Adams.

It appears that he was notified to appear and give testimony April 5 1904

Sick ness prevented the witness from appearing and He wants to know what to do and how his case stands

Get copy of testimony and all letters of instructions & from the Secretary or Com'r of Pat Office

Yours etc

Ed Lowe

Cherokee Freedmen
R 93

Muskogee, Indian Territory, June 23, 1904.

Samuel Adams,

Vinita, Indian Territory.

Dear Sir:

In the matter of your application for enrollment as a Cherokee freedman, you are advised that before the Commission comprender a final decision in your case it will be necessary that further testimony be introduced tending to show whether or not your parents were the slaves of Cherokee citizens at the commencement of the war of the rebellion and whether or not they returned to the Nation after the war within the time provided in the treaty of 1866.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Friday July 15, 1904, and introduce testimony as above indicated.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
R 95

Muskogee, Indian Territory, June 23, 1904.

Blue & Clover,

Attorneys for Samuel Adams,

Vinita, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of June 14, asking that the case of Samuel Adams, Cherokee Freedmen R 95, which was set for further hearing at Muskogee, Indian Territory, on April 8, be continued.

You are accordingly advised that the applicant in this case has this day been notified to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Friday July 15, 1904, and introduce testimony tending to show whether or not his parents were the slaves of Cherokee citizens at the commencement of the war of the rebellion and whether or not they returned to the Nation after the war within the time provided in the treaty of 1866.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
R 93

Muskogee, Indian Territory, June 23, 1904.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of Samuel Adams for enrollment as a Cherokee freedman, you are advised that before the Commission can render a final decision in that case it will be necessary that further testimony be introduced tending to show whether or not the parents of said applicant were the slaves of Cherokee citizens at the commencement of the war of the rebellion and whether or not they returned to the Nation after the war within the time provided in the treaty of 1866.

The applicant has, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Friday July 15, 1904, and introduce testimony as above indicated. The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen

R-93.

Muskogee, Indian Territory, August 9, 1904.

Blue & Clover,

Attorneys for Samuel Adams,

Vinita, Indian Territory.

Gentlemen:

In the matter of the application of Samuel Adams for enrollment as a Cherokee freedman, R-93, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced tending to show whether or not the parents of the applicants were slaves of Cherokee citizens at the commencement of the war of the rebellion; whether or not they returned to the Cherokee Nation after the war within the time provided in the Treaty of 1866.

The applicant has therefore this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Wednesday, September 14, 1904, and introduce testimony as above indicated.

Respectfully,

Commissioner in Charge.

Register.

Cherokee Freedmen

R-93.

Muskogee, Indian Territory, August 9, 1904.

Samuel Adams,

Vinita, Indian Territory.

Dear Sir:

In the matter of your application for enrollment as a Cherokee freedman you are advised that before the Commission can render a final decision in your case it will be necessary that further testimony be introduced tending to show whether or not your parents were the slaves of Cherokee citizens at the commencement of the war of the rebellion; whether or not they returned to the Cherokee Nation after the war within the time provided in the Treaty of 1866.

You are therefore hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Wednesday, September 14, 1904, and introduce testimony as above indicated.

Respectfully,

Register. Commissioner in Charge.

COPY.

Cherokee Freedmen,
R-93.

Muskogee, Indian Territory, October 13, 1904.

Samuel Adams,
Vinita, Indian Territory.

Dear Sir:

In the matter of your application for enrollment as a Cherokee freedman, you are advised that this case will be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Tuesday, November 15, 1904, at which time you will be permitted to appear and introduce such testimony as you may desire in support of your said application.

Respectfully,

(SIGNED) T. B. Needles.
Commissioner in Charge.

Register.

COPY.

Cherokee Freedmen,
R-93.

Muskogee, Indian Territory, October 13, 1904.

Messrs. Blue & Bulger,
Attorneys for Samuel Adams,
Vinita, Indian Territory.

Gentlemen:

In the matter of the application for the enrollment of Samuel Adams as a Cherokee freedman, you are advised that this case will be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Tuesday, November 15, 1904.

The said Samuel Adams has this day been notified that he will be permitted to appear on said date and introduce such testimony as he may desire in support of his said application.

Respectfully,

(SIGNED). T. B. Needles.
Commissioner in Charge.

Register.

COPY.

Cherokee Freedmen

R-93.

Muskogee, Indian Territory, January 10, 1905.

Blue & Bulger,

Attorneys for Samuel Adams,

Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of supplemental testimony taken at Muskogee, Indian Territory, on November 15, 1904, in the matter of the application for the enrollment of Samuel Adams as a Cherokee freedman, together with a blank form of receipt which you are requested to sign and return to the Commission.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Incl. S-6.

COPY.

Cherokee Freedmen

D-775, et al.

Muskogee, Indian Territory, January 11, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There are herewith inclosed copies of supplemental testimony taken at Muskogee, Indian Territory, in the following Cherokee Freedmen cases:

Freedmen R-775 ---------- Samuel Beck, et al.,
Freedmen R-93 ---------- Samuel Adams,
Freedmen R-179 ---------- Calvin Goins,
Freedmen R-331 ---------- Annie Bell, et al.,
Freedmen R-33 ---------- Leah Brewer,
Freedmen D-937-937 ---------- Mary A. Riley, et al.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

Incl. 8-15.

COPY.

Cherokee Freedmen

R-93.

Muskogee, Indian Territory, May 27, 1905.

Samuel Adams,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 27, 1905, rejecting the application for your enrollment as a Cherokee freedman. There has heretofore been furnished your attorneys, Blue & Bulger, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to them a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

Incl. S-90
Register.

COPY.

Cherokee Freedmen

R-93.

Muskogee, Indian Territory, May 27, 1905.

Blue & Bulger,

Attorneys for Samuel Adams,

Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 27, 1905, rejecting the application for the enrollment of Samuel Adams as a Cherokee freedman. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Incl. S-93
Register

COPY.

Cherokee Freedmen
R-93.

Muskogee, Indian Territory, May 27, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Samuel Adams as a Cherokee freedman, including the Commission's decision dated May 27, 1905, rejecting said application.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

Incl. S-92

Through the

Commissioner of Indian Affairs.

266

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.
WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
...
R-93.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, May 27, 1905.

Ball, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 27, 1905, rejecting the application for the enrollment of Samuel Adams as a Cherokee freedman.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

1401, 8-91

(C O P Y)

Land
41388-1905.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON. June 10, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated May 27, 1905, transmitting the record of the application for enrollment as a citizen by intermarriage of the Cherokee Nation and as a Cherokee Freedman by Samuel Adams.

May 27, 1905, the Commission decided adversely to the applicant.

The record shows that the applicant claims right to enrollment as an intermarried citizen of the Cherokee Nation by reason of his marriage about 1890 with one Hattie Adams, born Bean, whose name is included in a partial roll of Cherokee Freedmen approved by the Department on January 16, 1903, opposite No. 1809. The record further shows that Harvey and Fannie Adams are the parents of the applicant; that Harvey and Fannie Adams were slaves of a Cherokee citizen at the beginning of the war of the rebellion, were taken from the Cherokee Nation during said war and did not return thereto on or before February 11, 1867; that the applicant was born since 1866 and possesses no rights to enrollment other than as a descend-

ant of his parents. Neither the applicant nor his parents can be identified on any tribal roll of the Cherokee Nation.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

(Signed) C. F. Larrabee

Acting Commissioner.

M.M.M.
W.

)C O P Y) G.R.

D.C.53857-1906.

DEPARTMENT OF THE INTERIOR, LLB

WASHINGTON.

I.T.D.7070-1905.
8803- " December 6, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

In accordance with the approved opinion of the Assistant Attorney-General for this department dated November 12, 1904 (I.T.D.11776), in the matter of the application of Lemuel Welcome for his enrollment as a Cherokee freedman by intermarriage, the decision of the Commission to the Five Civilized Tribes dated May 27, 1905, denying the application of Samuel Adams for his enrollment as a Cherokee freedman by intermarriage is hereby affirmed, and his application for enrollment as a Cherokee freedman is hereby denied, on the ground that applicant having been born since February 11, 1867, is not shown to be a descendant born to a person on the Dunn roll, nor has applicant been enrolled or admitted to citizenship by any tribal authority.

A copy of Indian Office letter of June 10, 1905 (Land 41388), recommending the denial of the above application, is herewith forwarded.

A motion for review of the decision of the Commission in the above case, filed with the Department September 7, 1905, by Messrs.

McGowan, Serven & Mohun, of Washington, D. C., on behalf of applicant, has been considered in connection with the record in the case.

The Department finding no reason to disturb the decision of the Commission, said motion for review is hereby denied.

You will advise applicant and his resident attorneys of this action.

The Indian Office will advise local counsel for applicant of this action.

The original record, with papers filed on motion for review, has this day been returned for the files of the Indian Office.

Respectfully,

(Signed) Thos. Ryan,

First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 inc. and 3 to Ind. Of.

Cherokee F
R 93

Muskogee, Indian Territory, December 17, 1906

Samuel Adams,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated May 27, 1905, denying your application for enrollment as a citizen of the Cherokee Nation, was affirmed by the Secretary of the Interior on December 6, 1906.

Respectfully,

L M B

Commissioner

Cherokee Freedmen
R 93

Muskogee, Indian Territory, December 17,1906

Blue & Bulger,

Attorneys for Samuel Adams,

Baxter Springs, Kansas.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated May 27, 1905, denying the application for the enrollment of Samuel Adams as a citizen of the Cherokee Nation, was affirmed by the Secretary of the Interior on December 6, 1906.

For your information a copy of the Departmental decision referred to is herewith enclosed.

Respectfully,

Encl. B-87

Commissioner

REFER IN REPLY TO THE FOLLOWING:

Cherokee Freedmen.
R 93

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 17, 1906

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated May 27, 1905, denying the application of Samuel Adams for enrollment as a citizen of the Cherokee Nation, was affirmed by the Secretary of the Interior on December 6, 1906.

For your information a copy of the Departmental decision referred to is herewith enclosed.

Respectfully,

Commissioner.

Encl. B-66

Vinita Indian Territory, 1/12 1904

RECEIVED of the COMMISSION TO THE FIVE CIVILIZED TRIBES

one copy of the testimony in the Case of Sam Adams

C.T.B. 93. dated Nov 15. 1904

Attorney for Applicant.

C. T. R - 13

Samuel Adams

Should have proof showing whether or not applicants parents were Cherokee Freedmen and if they complied with treaty of 1866.

Samuel Adams
Muskogee Ind Ter
Cher. Freed.
Original Card received
Aug. 12/04

Muskogee, I. T. June 16, 1904.

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of Samuel Adams for enrollment as a Cherokee Freedman, taken at Vinita, I. T. on May 23, 1901.

Atty for appts

Cher Fr R 94

Cher Fr R 94

REJECTED, as to Wife, Callie:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., MAY 23d, 1901.

In the matter of the application of Josh Vann for the enrollment of himself, wife, four children and his mother as Cherokee Freedmen; said Vann being sworn and examined by Commissioner C. P. Breckinridge, testified as follows:

Q Give me your name? A Josh Vann.
Q How old are you? A About 45 I guess.
Q What is your post office? A Ketchum.
Q In what district do you live? A Delaware.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you want to enroll anybody besides yourself? A My mother.
Q Is she unable to apply for herself? A Yes, sir, she is sick and ain't able to get around.
Q How old is she? A She is about 75 years old.
Q Then yourself and your mother? A And my children.
Q How many children have you? A Four.
Q Have you a wife? A Yes, sir.
Q Don't you want to apply for her? A No, sir, she don't belong.
Q Are you and she living together? A Yes, sir.
Q What is she? A She is a colored woman, married her in the States.
Q You had better apply for her you can't tell what her rights may be? A All right and my brother's children, he is dead.
Q Are they orphans? A They have got a mother.
Q What has become of her? A She is living.
Q Are the children living with her? A Yes, sir.
Q She had better apply for them. A All right.
Q How long have you lived in the Cherokee Nation?
A I have lived in the Cherokee Nation about 34 of 35 years.
Q Where did you live before that? A Lived sometime in Kansas.
Q Where were you born? A Born in Saline District.
Q You were born in the Cherokee Nation? A Yes, sir.
Q Were you taken to Kansas during the war? A Yes, sir.
Q Have you lived in the Cherokee Nation all your life except when you were in Kansas that time? A Yes, sir, this has been my home all the time.
Q You have never made your home anywhere else? A No, sir.
Q Give me the name of your father? A His name was Cull Vann.
Q Is your father alive? A No, sir.
Q How long has he been dead? A I don't know.
Q Give me the name of your mother? A Susan Pee or Vann.
Q Is she alive? A Yes, sir.
Q What is her present name? A Susan Pee.
Q How long has she borne the name of Pee? A About 35 years.
Q Give me the name of your wife? A My wife's name, Callie.
Q How old is your wife? A She is 41 years old.
Q Where did you marry her? A I married her in Newton, Kansas.
Q How long ago was it you married her? A In '97.
Q You had been married before that had you? A Yes, sir.
Q How many times have you been married altogether? A Three times.
Q Give me the name of your first wife? A Her name was Malinda.
Q When did you marry her? A I married her in '75.
Q Where did you marry her? A On Grand river in Delaware District.
Q Was she a Cherokee Freedman? A Yes, sir.
Q Is she dead? A Yes, sir.
Q How long has she been dead? A It has been about, she died in '79.
Q Give me the name of your second wife? A Her name was Mattie.
Q When did you marry her? A In '84; no, it was '83.
Q Is she dead? A Yes, sir.
Q When did she die? A '91.

Q Was she a Cherokee Freedman? A No, sir.
Q Where did you marry her? A I married her at Florence, Kansas.
Q Now, your present wife, has she any right to enrollment of her own, or only by right of marriage? A Only by marriage.
Q Give me the names of your four children? A George Vann.
Q How old is George? A He is 16 years old, be 17 in June.
Q How old is James? A 14.
Q Give me the name of the next child? A Cull.
Q How old is Cull? A He is 12.
Q Give me the name of the next child? A Eva.
Q How old is Eva? A She is 11.
Q That is all is it? A Yes, sir.
Q Are these children all living now? A Yes, sir.
Q Who is the mother of George? A Mattie.
Q Who is the mother of James? A Mattie.
Q Who is the mother of Eva? A Mattie.
Q Who is the mother of Cull? A Mattie.
Q These are all the children of your second wife? A Yes, sir.
Q Have you a certificate of marriage to your wife, Mattie?
A Yes, sir, but it is at home. There is a man here that was a witness on the certificate.
Q Is there a man here that saw you married to her? A Yes, sir.
Q Where is he? A He is out here, George Lynch; that is, he signed a certificate of the marriage, he was not there when we married.

GEORGE W. LYNCH, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your name? A George W. Lynch.
Q How old are you? A I was born in 1852.
Q What is your post office? A Vinita.
Q In what district do you live? A I live now in Cooweescoowee.
Q How long have you lived in the Cherokee Nation? A Well, I guess about 48 years.
Q Do you know the applicant here, Josh Vann? A Yes, sir.
Q How long have you known him? A Well, I guess I have known him 25 or 30 years.
Q Have you seen him frequently for the last 25 or 30 years?
A Well very frequently with the exception of about five years of the time.
Q What five years was that? A Well, recently.
Q The last five years? A Yes, sir.
Q He has been married has he? A Yes, sir.
Q How many times has he been married? A Why, I don't remember of his marrying but twice.
Q Where was he married the first time as far as you can remember?
A Well, sir, the first time, I don't remember where he was married at, but I was away and I come back and he was married, but I don't remember right where he married, but I do know he had a wife when I got back and was living with her.
Q Where was he living the next time? A Well the next time, I could not say where he married then; he married during this last time that he went away, the last five years I said, I don't know, I wasn't with him, during his absence then he married.
Q Well do you know the names of the women he married? A Well, one name was, I think the first one was, went by the name of, well I didn't know, but I learned she went by the name of Mattie, Smith before he married her.
Q You didn't know her yourself? A Yes, sir, I knew her after.
Q She is dead isn't she? A Yes, sir, she is dead.
Q You have no personal knowledge of his ever having married before he married Mattie Smith? A If he did I didn't know it.
Q Did you know Mattie Smith during her lifetime? A Yes, sir.
Q Did you know her as this man's wife? A Yes, sir.
Q Are not you one of his witnesses on his marriage certificate?

A Not as I know of; I knew he married sometije after that at that time; I knew he married, they stayed at my house and his wife was my wife's sister at that time.
Q Do you mean this wife, Mattie, was a sister of your wife?
A Yes, sir.
Q Well where did he and this woman Mattie marry? A Well now I will tell you again, they married at my absence and I would like to be positive if I tell that, I don't know.
Q Where were you when they married? A I, as well as I remember, was traveling with a show.
Q You don't know where they were married? A I was gone away about a year and come back.
Q You don't know where they were married do you? A Well I tell you I don't know I was not positive.
Q Do you know how long they lived together as husband and wife? A Well, as well as I can remember it was somewheres in the neighborhood of ten or eleven years, as well as I can remember.

JOSH VANN, the Applicant, re-called:

Q You say you have a certificate of marriage to that last woman? A Yes, sir, and I will produce it, but I haven't got it here.
Q What was the name of this woman, Mattie, before you married her? A Mattie Smith.
Q How old was she when she died? A I guess she was about 29 or 30 years old, I don't know exactly.
Q Was she ever married before she married you? A Yes, sir.
Q How many times? A Once as far as I know; I don't know only what she told me.
Q Was that husband dead when she married you? A Yes, sir.
Q How long has your mother lived in the Cherokee Nation? A All her life, only what time she was out as I understand.
Q All her life except a while during the war and little after? A Yes, sir.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and applicant's name and that of his fater or mother not found thereon.
The 1896 Census Roll of Freedmen of the Cherokee Nation examined and applicants' names and those of parents of Applicant not found thereon.

Q Was your family on the roll of 1896? A I don't know.
Q You were not? A No, sir.
Q Were was George Vann born? A Born in Delaware District.
Q Where was Jmames Born? A Delaware District.
Q And Cull and Eva? A Same, Delaware District.

The Kerns-Clifton Roll of Freedmen of the Cherokee Nation examined and names of applicants found thereon as follows:
Page 156, #3853, Josh Vann, Cooweescoowee District.
Page 156, #3852, Susan Pee or Vann, Cooweescoowee Dist.
Page 163, #4032, James Vann, Cooweescoowee District.
Page 163, #4033, Cull Vann, Cooweescoowee District.
Page 163, #4034, Eva Vann, Cooweescoowee.

Q Who can that George Vann be 50 years of age there? A I don't know; there has someboyd made a mistake.
Q There is no other George Vann of your family? A No, sir.

Page 163, #4031, George Vann, Cooweescoowee District, 50 Years of age.

Q Are you on the Wallace Roll? A Yes, sir.

The Wallace Roll of Freedmen of the Cherokee Nation examined and applicant's name found thereon, page 146, #3038, Joshua Vann, Cooweescoowee District.

APPLICANT: Wasn't any of them (children) enrolledon the Wallace Roll.

Q You were carried to Kansas were you during the war? A Yes, sir.
Q When were you taken there? A Well, I can hardly remember.
Q When did you come back? A We come back along in the summer as well as I can remember of '66.
Q In the summer of 1866? A yes, sir, it was warm weather.
Q Were you a slave in the Cherokee Nation when the war broke out? A I guess so, my mother was.
Q To whom did shebelong? A Joe Vann.
Q Was your father a slave? A No, sir.
Q He was a non-citizen was he? A No, sir, he wasn't a non-citizen.
Q Was he a Cherokee Freedman? A No, sir, he was a Cherokee, they tell me, I don't know, the folks tell me he was.
Q Were he and your mother regularly married? A No, sir.
Q Are you the only child of his? A Yes, sir.
Q Your mother has other child? A Yes, sir.
Q Has she children by the name of Pee? A Yes, sir.
Q How many children has she of that marriage? A Had four, there is two living.
Q How does it happen that you arenot on the roll of 1880? A I could not tell you.
Q Where were you at that time? A On Grand river.
Q How does it happen that your mother is not on the roll of 1880? A I could not tell you that, they just didn't put us on.
Q Do you remember of having applied for enrollment in 1880? A Yes, sir.
Q And what did they say to you? A They didn't say anything, only just taken our names, taken all the names.
Q Did they refuse you at that time? A No, taken our names, I don't know what he done with them.
Q That is all you know about it? A yes, sir.
Q How does it happen that you are not on the roll of 1896?
Q I was not here.
Q Where were you? A I was up in Kansas.
Q What were you doing up there? A I was working part of the time.

BY W. W. HASTINGS, Cherokee Representative:

Q What was your stepfather's name? A Charley Pee, one of them was named Charley Pee.
Q Where was he and your mother married? A They was married in Kansas.
Q During or after the war? A It was right away after the war.
Q After peace was declared? A Sometime about that time.
Q You remember that? A I remember a little about it, not a great deal.
Q You remember when your mother was married? A Well, yes, sir, I remember something about it.
Q About howold were you when the war closed? A I guess tthat I was about eight or ten years old, I don't know my age exactly.
Q What was the oldest child's name that your mother had by your step-father, Charley Pee? A Lettie.
Q Was Lettie older than Jesse? A No, sir.
Q Was Lettie younger than Martha? A No, sir.
Q Then Jesse and Martha are not children of your mother by Charley Pee? A No, sir.
Q Is Lettie living? A Yes, sir.
Q Where does she live now? A Vinita.
Q Is she married? A Been married.

Q How old is she? A I would think she is about 32.
Q Where was Lettie born? A She was born in the Cherokee Nation.
Q Where? A Up close to the line of Kansas.
Q Do you remember going back with your mother after the war?
A I remember a little about it.
Q How did you return to the Cherokee Nation? A In a wagon.
Q A horse wagon? A Yes, sir, we had a mule team.
Q Did you have more than one team? A Yes, sir, we didn't have but one wagon though.
Q Did you have two teams to the one wagon? A No, sir, didn't have two teams to the one wagon, but had more than one team.
Q Did you bring them along with you? A Yes, sir.
Q Did any others besides your own family come back with your step-father and mother, any other colored people I mean?
A Why, there was another family come down when he first come down there before he come and got us, when mother and us come he come and got us, there was not anybody come with us then at that time.
Q He come down here then first, before you and your mother?
A Come a little while before we did, he come in the spring.
Q And he came back after you and you all came in the summer following? A Yes, sir.
Q Now to what point in the Cherokee Nation did you return? A Down here on Russell Creek.
Q How far from Chetopa, Kansas? A About three miles, maybe a little more.
Q You located there that summer? A Yes, sir, we stopped there that summer.
Q Built a house? A Built a little shanty in the fall like.
Q How long did you remain that at that place? A We stayed there that winter.
Q The winter of '66 and the first part of '67? A Yes, sir, we stayed there until the next spring.
Q What did you do during that summer and winter? A I didn't do anything.
Q What did your step-father do, A He went backwards and forwards back up towards Kansas, somewhere, wasn't doing anything.
A Did you have any neighbors up there?
A Not as I know of.
Q You never saw any at all? A No, sir.
Q Did you raise any crop? A No.
Q Where did you get anything to eat? A I told you he went backwards and forwards up in Kansas and bought it I guess, might have told it, I din't know.
Q Did he ever go up to Chetopa? A Wasn't any Chetopa.
Q About how far from where Chetopa now is, I think you answered it a while ago? A About three miles.
Q On which side of the M. K. & T. railroad, east or west? A It is east of the M. K. & T railroad.
Q About how far? A About two miles and a half or three miles.
Q Do you know who owns a farm up where that is now? A No, sir, I don't:
Q Well what did you do, leave there A Why we went the next spring back across there in the States.
Q In Kansas? A Yes, sir.
Q What part of Kansas? A We went over there where Chetopa is now and from there across the river, crossed the river on the other side, what is called Neutral land, or something of that kind.
Q About how far from Chetopa? A About two miles and a half.
Q North? A Northeast.
Q Well, how long did you stay there? A Stayed that summer and until fall like and then we come back to Russell Creek.
Q In the fall of '67 you returned then to where you had been previous to that? A Yes, sir.
Q How long did you live there? A We lived there that winter a part of the winter and we went back over across the line.
Q That was sometime in the winter of '67? A I think it was.

Q And how long did you live up in Kansas that time? A Oh, we stayed there all the next year.
Q All the year of '68, and then when did you return to the Cherokee Nation? A We stayed there until the fall or winter of '67 I think, I ain't sure now, and then we come back to the Nation and moved down on Verdigris.
Q That was in '69? A I think so.
Q Well, now, to what point on the Verdigris did you come then?
A Right where the Creek line Crosses the Verdigris river.
Q Well, how long did you remain there? A Stayed there one winter.
Q Where did you go from there? A Moved on Grand river.
Q And that must have been about the year '70 or '71? A Somewhere along there.
Q Now, what point on Grand river did you go? A Went over there close to Bryant's salt lake.
Q In Saline District? A No, sir.
Q On the west side of the Grand river? A Yes, sir.
Q How long did you stay there? A About a year.
Q And then where did you go? A Up on Grand river in Delaware District.
Q And that was '72 or '73? A '72 I believe.
Q Well when did you go back to Kansas after that? A I went every once in a while.
Q Well when was the first time you went? A I went back to Kansas and herded cattle for a man in '72.
Q On what place? A Right at the head of Russell Creek.
Q How long did you stay up there? A I stayed up there that one summer and winter.
Q You were married up there the first time? A No, sir.
Q Where were you married the first time? A On Grand river.
Q When was that? A In '72 I believe, somewhere along there.
Q Who married you? A Colored preacher.
Q What was his name? A NamedFred Martin.
Q Did your mother ever go back to Kansas after she moved down to Verdigris river as you stated about '69? A No, she didn't go back from Verdigris.
Q I mean did she ever go back to Kansas after that time? A Oh, yes, she has been back to Kansas.
Q Wheen did she go back after that? A She went back in, it was '69 or '70, I don't remember.
Q Where did she go? A Chetopa.
Q How long did she remain up there at Chetopa at that time?
A Not a great while, I don't think.
Q About the best of your judgment? A Well she has been back tere several times, she would go there and work, but I don't remember just how long she did stay.
Q As much as a year or two? A No, sir, she didn't stay that long.
Q When did you and she finally settle down and locate in the Cherokee Nation and where? A I told you we moved up here on Grand river about '72.
Q Make a place up there? A Bought a little place up there.
Q You were married once in Kansas were you not? A Married twice in Kansas.
Q The second and third times? A Yes, sir.
Q When were you married in Kansas? A '97.
Q That was not the second time was it? A I married in '83.
Q Where were you married in Kansas? A In Marion County, Kansas.
Q Where is that, how far from Kansas City? A About 175 or 200 miles by rail.
Q Did you marry a state-raised woman? A Yes, sir.
Q What were you doing up there? A I went up there to work.
Q How long had you known you second wife before you married her?
A About four months.
Q Where did your wife die, second wife? A Died in Vinita.
Q How long had she been in Vinita when she died? A About a month.
Q When did she die? A Died in '91.

Q Now you married your third wife in Kansas? A Yes, sir.
Q What place? A Newton, Kansas.
Q How far is that from Martien? A About 25 or 30 miles west of Marion.
Q Your second wife was state-raised? A Yes, sir.
Q How long had you known her before you married her? A About a year.
Q Is she alive? A Yes, sir.
Q When did you come back from Kansas this last time?
A Come back in July.
Q This last July? A Yes, sir.
Q You don't know where you got provisions to eat there when your step-father went back to Kansas after the war? A That is the only place we could get them.
Q You had no neighbors around you to get anything to eat of?
A No neighbors there.
Q No neighbors to work for? A No, sir.
Q What did you build your house out of, logs? A Logs, poles.
Q Covered it with poles? A Yes, sir.
Q One leg house was it? A Yes, sir, on4 log roomed shanty.
Q Was there a road anywhere near you, big traveled road; how far were you from the old Military road? A The Military road run there towards Baxter; Baxter would be the nearest place.
Q And this old road that runs through this country up there.
A That would be pretty near east as nigh as I would know about it, I never traveled that old Military road only from along the line coming from Baxter Springs.
Q Have you any children of your last wife? A No, sir.

BY COMMISSIONER BROCKINRIDGE:

Q How many children you say your mother has by her husband, Pee?
A Four.
Q Where were they born? A In the Territory.
Q All of them born in the Territory? A Yes, sir.
Q Your wife, Mattie, you stated died in Kansas? A No, sir.
Q Where did she die? A Died in Vinita.
Q How long had she been in Vinita when she died? A About a month.
Q Had she been all her life up in Kansas before that? A No, sir.
Q How much of her time had she spent in Kansas after you married her? A Brought her down here in March, married her in November and brought her down here in March, the next March, '94.
Q Did she go back to Kansas after you married her? A She went back to visit her mother.
Q Did she s end much of her time in Kansas? A Two months.
Q Is that all the time she spend in Kansas furing her married life to you? A Yes, sir.
Q Where is your present wife at this time? A She is in Kansas.
Q How long has she been in Kansas? A She went there last Fall.
Q You spoke of coming from Kansas last July? A Yes, sir.
Q Have you been here ever since you came from there?
A Until last February, I have got my children up there going to school.
Q How long had you been in Kansas until you came in July?
A Off and on ever since '95.
Q Do you mkeep a house up there? A Yes, sir, my wife lives there; she has got a home there and she makes her home there.
Q Where are your children now? A They are there going to school, I sent them up there last December.
Q Are you farming up there in Kansas? A No, sir.
Q What are you doing in the Territory, what business are you doing? A I work, me my own place, when I am here.
Q And when you don't do that what business are you engaged in?
A Working.
Q Whenn you are not here where is you go? A To Kansas sometime
Q What kind of business do you follow up there? A Being public work.

Q Is that the kind of business you do up there? A Opening stone quarries.
Q Have you ever been called upon to vote up there? A No, sir.
Q Have you ever voted for Congressman, President, or Governor? A No, sir.
Q Never voted for any office at all? A No, sir.
Q Where isyour mother at this time, on her place in the Territory? A She is in Vinita sick.
Q What part of her time has she spent in Kansas, since the war closed? A Why she ain't spent a great deal of it, I can't tell you how much.
Q An thing like half of her time? A No, sir, not one-fourth of it.
Q Have you spent as much as half of your time in Kansas since you first married there in 1883? A No, sir; after I married I moved my wife back, I went up there in the spring of '83 and stayed until March and come back, that is in March, '84, and come back and remained here until '95.
Q Remained here all the time? A yes, sir.
Q Didn't go out of the Cherokee Nation at all? A Well I went up there to visit her mother once; stayed a month; about '95 I had reason for going.
Q Well, where have you lived since '95? A I have stopped there part of the time with my wife and the other time when I had a chance I come backd wn here, slipped around in here, I got into a little trouble
Q Little difficulty? A yes, sir.
Q When did you get ouf of that difficulty? A Ain't never got out of it.
Q You were scouting from 1895 on were you? A Yes, sir.
Q Haven't you been in the Cherokee Nation all the time after the last July? A Up until February when I went out.
Q Now from 1895 to the last July, were you up in Kansas all the time except when you would slip in? A Yes, sir, only when I would slip in.
Q Is there any other testimony you want to introduce? A Yes, sir.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Rosson

Subscribed and sworn to before me this 29th day of May, 1901.

Commissioner.

Josh Vann et al- continued. May 23,1901.

(Former portion taken by stenog. J.O.Rosson.)

FILMORE HICKS, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give your name? A Filmore Hicks.
Q How old are you? A 53, I will be.
Q What is your post-office? A Vinita.
Q In what district do you live? A Delaware.
Q How long have you lived in the Cherokee Nation? A I was born and raised in the Cherokee Nation.
Q Have you lived here all of your life? A Yes sir.
Q Do you know the applicant here, Josh Vann? A Yes sir.
Q How long have you known him? A I have known him about thirty years I reckon, personally.
Q You know his mother? A Yes sir.
Q How long have you known her? A I have known her about the same time.

Com'r Breckinridge asks applicant is he wants to interrogate the witness, and says no, not now.

Examined by Cherokee Representative W.W.Hastings:

Q Where has Josh Vann been living for the past 30 years?
A I couldn't tell you where he has been all the time; he lived down there about Tan Yard Ford most of his time I think.
Q Where do you reside now? A I reside here in Vinita.
Q Where does Josh Vann live now? A I couldn't tell you where he lives now.
Q How many times has he been married? A I don't know.
Q Where was he married the last time? A I couldn't tell you.
Q You know that he is living in Kansas now and has a wife up there? A No sir, I don't know that.
Q Do you know that he is living in the Cherokee Nation? A No sir, I couldn't say, only I have seen him here.
Q When? A All this spring.
Q How about last year? A I never saw him last year.
Q How about the year before? A Well, I don't know that I saw him the year before.
Q Have you seen him since 1895 up to this spring? A Well, if I have I don't recollect.

ARTHUR BEAN, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give your full name? A Arthur Bean.
Q How old are you? A 58.
Q What is your post-office? A Vinita.
Q How long have you lived in the Cherokee Nation? A All my life time pretty much.
Q What part of your life have you been out of the Cherokee Nation?
A I don't know what time; along in '62 and 3, I guess about then I was out.
Q You were never out except during the war? A No sir, I was out then.
Q Are you acquainted with the applicant here, Josh Vann? A Yes sir
Q How long have you been personally acquainted with him? A I have known him pretty much all his life time.
Q Well, did you know him during the war? A No sir, I knowed him before the war; I didn't see him during the war?
Q You knew him before the war? A Yes sir.
Q Was he a slave in the Cherokee Nation when the war broke out?
A Yes sir.

Josh Vann et al con.t'd 2

Q When did you first meet him after the war was over? A After the war was over I met him up on Russel Creek is the first time I met him after the war.
Q In what year was that? A That was in '66.

Gou'r Breckinridge, to applicant: Do you want to ask this man any questions in your own behalf?
Applicant: No sir, not now.

Examined by Cherokee Representative, W.W.Hastings:

Q Art, aint you a disputed citizen? A Yes sir.
Q Your name is not on the roll of 1880? A No sir.
Q Where was the applicant, Josh Vann, living, xx how was he living, was he living in a house when you first saw him after the war?
Q Yes sir, kind of an old log house.
Q About how far from the Kansas line? A I don't know just how far that is, I think it is near about three miles if I mistake not.
Q Were you ever tried before the courts for anything? A Not in my life, I never was before no court but the Clifton court; that's about all the court I ever was tried in.
Q Who was with Josh Vann when you first saw him? A Aunt Sukey, his mother, and two more children I knew.
Q What were their names? A Jess and Martha.
Q Was her husband with her? A Yes sir.
Q What was his name? A Named Pee.
Q Charley? A Yes sir.
Q About what time of the year was it you saw them? A Along about December I guess.
Q December of '66? A Yes sir, I guess along about, close onto Christmas.
Q You were coming down this way? A No sir, I was up in that country.
Q Just went up to see them? A No sir, not particular to see them, I was up looking at that country, me and several of the boys.
Q Who was with you? A Me and Art Tyner and Bean, Joe Bean.
Q What were you doing up there? A Just looking at the country.
Q How far was that from where you lived? A Forty miles I guess, maybe further.
Q Did they have anything to eat up there? A I guess they did, they couldn't have stayed without some thing to eat.
Q Did you eat with them? A Yes sir, such as they had, and that wasn't very much in them times.
Q Had they made any crop up there? A No sir.
Q You don't know how long they had been there? A No sir.
Q Did they tell you how long they had been there? A No sir, they didn't tell me anything about that.
Q You didn't ask anything about their past whereabouts? A No sir.
Q Didn't you go on up to Chetopa and trade them? A No sir.
Q Why didn't you; you were there near? A There wasn't any Chetopa in there.
Q You remember that from five years ago don't you Art? A Somesky that's that.
Q That there was no Chetopa in '66 there? A I never did say that.
Q After you were released awhile ago you went out down there to that white tent yonder? A Yes sir.
Q You took Can? A Not particular, he went there; I went there with him.
Q After consulting, you called Al Lynch didn't you? A Yes sir.
Q And you all went around there to council? A Yes sir.
Q What did you talk about? A Oh, that was our business.
Q Did you talk about this case? A No sir, that was our business around there, Mr. Hastings.

Q Did you talk about t is case? A Not particular.
Q What did you say about it? A I don't have to tell my secrets you know.
Q You did talk, after you were dismissed and put under the rule, you got all three of you together and talked about this case? A Yes sir, we talked about it; you sent us off and we have got the privilage to do as we please out there, you know, Mr. Hastings.
Q Did you all three agree that you had seen them in '66? A No, we never made no agreements about that it all.
Q Did you all among yourselves say you saw-? A No, we never made no agreements about that.
Q Did each of these witnesses there of his say you had seen these parties in '66? A We talked about the case, but we didn't say anything about no '66; I told them I knew Josh in his childhood and I knowed all of his folks.
Q And the rest of the boys knew the same thing? A Cap didn't know a thing about it, he being too---
Q Did he know him in '66? A That's what he said, I suppose.
Q He told you that out yonder awhile ago? A He told that in here I guess.
Q Well he told you that out yonder? A Well I told you awhile ago I didn't have to tell my secrets; you are a secret order man aint you?
Q Well, how long did Josh and his mother and step-father live on Russel Creek? A I couldn't tell you.
Q When did you next see them? A Down on the river, about '68.
Q About how many years after you saw them up there? A I don't know how many; not many many years.
Q Do you think it was the next year? A They went down below, I heard heard they went below, I don't know anything about that.
Q When did Josh tell you that? A He never told me at all.
Q Did he tell you that to-day? A He never told me that at all. I heard they went down about the old salt lick below.
Q How long did they remain there? A I couldn't tell you.
Q But you think it was about '68 when they came down to the River near you? A I guess it was about then.
Q Aint you positive? A No.
Q Why is it you are positive when you first saw them and you are not positive when you second saw them, and they lived right by you didn't they? A Well, I think it was '68.
Q You think it was about 2 years afterwards? A Yes sir.
Q To your best judgment? A Yes sir.
Q They were neigabors to you in '68? A Yes sir.
Q Has Josh been living there ever since? A Yes sir.
Q You swear that? A Yes sir.
Q Has he ever been married? A Yes sir.
Q What was his first wife's name? A I don't know sir.
Q Was she a state reaised or a Cherokee? A I don't know; I know he had a woman there as his wife, I didn't make no inquiry about that.
Q Was he married a second time? A Yes sir, I suppose he was, that's what I hear.
Q Where was he married? A I don't know where he was married the last time.
Q Where do you live now? A I live on Grand River.
Q Does Josh live down there by you? A He lived above me a ways.
Q About how far? A I guess about eight miles, above where I live.
Q You see him frequently? A Yes sir.
Q What does he do down there? A I don't know sir, I guess he tries to farm like the rest of us.
Q Did he make a crop this year? A I don't know sir, I haven't been up there.

Q Did he make one there last year? A I couldn't tell you; I don't think he did.
Q Did he make one there the year before? A I couldn't tell you that either; Josh was out awhile.
Q [illegible] when did he go out? A Oh it has been I guess a year or two ago.
Q Now give us your best judgment as to when he went out, if he did go? A I am giving it to you, best I know.
Q You think it was about two years ago? A Yes sir, he got into some trouble, that's about as near as I can get at it.
Q About 2 years ago? A Yes sir.
Q To your best judgment, how long was he gone? A I don't know just how long he was gone; It slipped my remembrance how long Josh was out.
Q When did he come back? A I think it was along some time about July, if I make no mistake.
Q That he came back? A Yes sir.
Q Been here ever since? A Yes sir.
Q You swear that? A Yes sir, I have saw him frequently ever since.
Q Is he married now? A Yes sir, I suppose he is, I heard he was.
Q Where is his wife? A I don't know sir.
Q You haven't seen her? A No sir, I just hear he was married.
Q You don't know where he was married? A No sir.
Q You didn't hear he was married in 1897? up in Newton, Kansas?
A No sir, I made no inquiry.
Q You didn't know he had been up in Kansas six years out of here?
A No sir.
Q Did all of these people that you mention go up in Kansas at that time, in 1866? A Me and George Eaton and amongst us.
Q Did these people have any horses at that time? A They had a little pony team.
Q That's all you saw? A Yes sir.
Q No cows? A No sir, I couldn't see no cows.
Q Al Lynch wasn't with you when you went up there at that time?
A No sir.
Q Cap Hicks wasn't with you? A No sir.

Com'r Breckinridge to applicant: Any question now that you want to ask in your own behalf?
Applicant: No sir.

ALLEN LYNCH, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Allen Lynch.
Q How old are you? A I am 61 years old.
Q What is your post-office? A Vinita.
Q How long have you lived in the Cherokee nation? A [illegible] Well, about all my life.
Q Are you acquainted with the applicant here, Josh Vann? A Yessir.
Q How long have you known him? A I have known him ever since a little boy.
Q Did you know him before the war broke out? A Yes sir.
Q Have you known him ever since? A Yes sir.

Com'r to applicant: Any question you want to ask Allen Lynch in your own behalf? A Applicant: No, sir.

Examined by the Tams Representative, W.W. Hastings:

Hastings: I don't care to ask him any questions.

Com'r Breckinridge, to applicant: Any particular point you want your witness to testify on?

Applicant: Yes sir, I would like to know,- what I have introduced the witness for was to prove when I returned back to this country.

Com'r: You want to interrogate him yourself? A No sir.

Com'r Examined witness:

Q Where was Josh Vann during the war? A In Kansas.
Q Did you see him up there? A No sir, I never see him in Kansas; I saw him when they went there.
Q When they were going there you saw them? A Yes sir.
Q Where did you first see him after the war closed? A Saw him up here on Russel Creek.
Q How far was that from the Kansas line? A Well, judge, I don't know exactly where the Kansas line was then, but it is about six or seven miles south of Chetopa now.
Q When was it you saw him there? A I saw him there along in August or September, in '66; I couldn't tell you just exactly the time.
Q Were you living up there yourself at that time? A No sir.
Q What was the occasion of your being there? A I went up there to drive some cattle for a man, some steers that a white man came and traded to Bill Foreman, traded some tin-ware, and he got me to drive the cattle.
Q Was anybody along with you? A Oh yes, me and this man and two white men.
Q That was the party? A Yes sir.
Q How did you happen to meet this man Josh Vann? A We went up there and I went to the house, and there I found him. I stopped there as I was coming on home.
Q What do you know about him since that time? A I know he has been around here in the country.
Q Where did you next see him after that time? A I don't know next time I saw him the first I saw him on Grand River or whether I saw him at Chetopa after Chetopa commenced; I don't know exactly.
Q What can you say of a definite character about having seen him since that first meeting down to this time? What do you know of where he has lived? A He lived with me three or four years and lived right there in the neighborhood.
Q When was that? A I can't tell you just exactly the time, but him and his family, it was, he had that Mattie, they lived there on my place.
Q That accounts for four years; can you mention any other period that you have personal knowledge of him in? A He has been here ever since that on and until he got into this trouble, and I don't know where he went.
Q Was he living with you? A No sir, he was right around in the neighborhood until he had that trouble.
Q Where was he staying in the neighborhood? A Right there in the neighborhood where his mother is living now.
Q Was he staying on a place of his own? A On his mother's place.
Q Has he ever had a place of his own, or always lived with his mother? A I think he has always lived with his mother; only when he lived with me and with Tobe Lynch a while.
Q You don't know how far back he lived with you? A It must have been 13 or 14 years; It has been about two years since he left my place I guess.
Q And since that he has lived at his mother's place? A Yes sir.

Q All the time? A No, he has been gone two or three years.
Q Well but down to this absence that took place of late years?
A Yes sir; he may have lived in town a year; I don't know; his wife died here in town.
Q How far is his mother's place from where you live? A About three miles.
Q Now did he make his home continuously at his mother's place from the time he left your place until he went on that stay some years ago? A No sir, I think he lived ~~xxxxxx~~with Tobe Lynch 2 years
Q So he lived with his mother with that exception did he?
A Yes sir. To the best of my knowledge about it.
Q How many times has he been married? A I think he has been married three times; I know, three times.
Q Did you ever see his first wife? A Yes sir.
Q Did you ever see his present wife? A Yes sir.
Q Where did you see her? A I hauled her out there somewhere about two months ago, out there to his mother's, it must have been three months maybe, or two months, somewheres along there; it has been two or three or three or four months ago.
Q Where is she now, do you know? A No sir.

Examined by Cherokee Representative, W.W.Hastings:

Q Al, how far ~~did~~ you live from Josh when the war come up, A Well it must have been 16 miles, maybe further than that.
Q About how old was he when ~~xxxxxxxx~~the war came up? A I don't think Josh was over 6 or 7 years old.
Q You remember seeing him when you stopped up on Russel Creek with his mother? A Yes sir.
Q You were driving some cattle at that time? A I drove a yoke of ~~xxxx~~ cattle up there.
Q Just one yoke? A Yes sir.
Q For whom? A The man was named Davis, and he got the cattle from Bill Foreman.
Q Where did you drive the cattle to? A I went up as far as Labette and then I returned back; I went up with them men and I come back alone.
Q Did you see anything of these people as you went up? A I don't remember; No, I don't know whether I stayed all night with them or whether it was coming; but I stayed all night with them.
Q How long had they been there? A Well, I don't know, Mr. Hastings, how long they had been there.
Q You know from your conversation, you talked over old times didn't they tell you anything about their past history, of their whereabouts? A Well we talked over about how come them there, I don't know whether I asked them how long they had been there or not.
Q Had a log house did they? A Had a little log ~~xxxx~~ cabin.
Q How long did it appear to have been built? A Not very long; had little clapbourds on it, new.
Q Had they made a little patch of ground there that year? A No sir, none at all.
Q Have any neighbors around near them? A No sir, not that I know of. My nearest neighbors where I lived was down on Cabin Creek; them is the only folks I saw up there on down here.
Q From your folks up to Kansas that was the only house you passed?
A Yes sir, that was the only house.
Q Was it on the big road? A There wasn't any road up there.
Q Just through the prairie? A Yes sir, prairie.
Q How did you happen to discover this place? A Well we crossed the creek two or three hundred yards, as near as I can recollect from where they had this house; after I saw them up there I was down here about a month after that and there come men from Garnett Kansas down here and they was hunting a couple of pair of mules,

and they said Charley Pee and Charley Blackwell stole them mules and had run off down here somewhores, and they come in there I suppose to hide from the officers; that's all a pretence, I never asked them about it.
Q How long after you saw them there until you saw them down here near your place, on Grand River? A I couldn't tell you, it must have been along in '67 or 8, something along there when they moved down in the bottom there, I couldn't tell you exactly.
Q That was on Grand River? A Yes sir.
Q And near where ~~xxx~~ they live now? A Yes sir, I think it must be two miles, or three, from where they first stopped, there are about three miles above now.
Q Thatwas within a year, and at the most, within two years, you think, after you saw them up there? A I don't know whether it was that early or not.
Q Well, about how long after you saw them up there until you saw them on Grand River? A Why I just couldn't tell you when they moved up there.
Q How many children did Mrs. Pee have at that time? A Had three.
Q She had no children by her last husband, Charley? A If she did I don't remember it; not then, no sir.
Q What three children did she have? A She had Josh and Jess and Martha.
Q After you were excused awhile ago you and Cap and Art had a conference about this case didn't you? A No, we never said anything about this case.
Q Never talked about it at all? A No sir, I never talked to anybody
Q Didn't Art and Cap go behind that little white tent yonder and after talking the matter over call you around there? A They called me around there, but they was asking me about something else.
Q They wasn't talking about this case? A Not about this case; they never asked me about it, something else. that
Q You never said anything about the case? A Not, I remember; we were talking about Joe Bean's case.
Q Well you would have remembered it, it was only a few minutes ago, if anything was said you would have known it now? A Yes sir.
Q Didn't Cap and Art say when they saw this family up there?
A No, Art didn't say anything about when he saw them; Cap told me in town when he saw them.
Q When did he tell you? A He told me he saw them in October or September, '67 when he was herding cattle.
Q You never saw the Trott house up there when you saw them? A He never had no house up there.
Q You never saw Albert Morris coal mine there? A He never had no coal mine there then.
Q It wasn't there in '66 ? A It was there but it hadn't been developed.
Q You know where Josh married the last time? A He married in Kansas I think; that's what his wife ~~xxxx~~ told me.
Q She lives up there yet? A She is up there now.
Q She has lived there all the time hasn't she since she married?
A Only when she come and stayed across the river as I told you.
Q How long did she stay there? A I don't know; it must have been 2 months, maybe longer.
Q You know where Charley Pee and his family got anything to eat up there on Russel Creek? A They may have got it like the ~~xxxx~~ balance of us; we stole it when we got it.
Q Was there anybody to steal from? A Yes sir, we had lots of cattle and hogs and rabbits and onions.
Q What did you eat when you were up there? A I eat some beef and I eat some corn bread, and was glad to get that.
Q They didn't tell you what they were doing for a living? A No sir.

Applicant, JOSH VANN, re-called, and further examined;
By Commissioner Breckinridge;

Q Josh Vann, when you were scouting for several years from the Cherokee nation, what was the trouble with you? A Why I got into a little scrape down here at town, there was a fellow got killed, and they accused me of it.
Q Accused you of killing him? A Yes sir.
Q Is that the only matter you have ever been accused of? A That's the only one I have scouted from.
Q Have you ever been up before the courts for any offence or charge? A Yes sir.
Q What? A Tried for whiskey and assault and attempt.
Q You ever been in prison? A Sent to prison you mean and convicted?
Q Yes? A No sir, I never was convicted of nothing; I have been indicted in Delaware District court.
Q Many times? A Onoet only.
Q Have you any more testimony you want to introduce? A Yes sir.
Q Have you any more testimony you want to introduce? A Yes sir, after you get nearer to where it is I do.
Q But this is all at the present time? A Yes sir.

Examined by Cherokee Representative, W.W.Hastings:

Q Except for this sickness is your mother fairly strong? A No sir
Q Does she do her own work? A No sir.
Q Has she been confined to her bed or room? A No, she is not really confined to her bed, but she has- I don't know whether it is Bright's disease or what it is; if she gets a little bit warm she can't get her breath.

Com'r Breckinridge: The applicant applies for the enrollment of himself, his wife and four children, and for his mother, who he states is very old and infirm and unable to apply for herself;

the applicant is identified on the Wallace and Kerns-Clifton rolls, but not upon the roll of 1880 or upon that of 1896; his father, who is deceased, is not identified upon the roll of 1880, and his mother, who is living, is identified on the Kerns-Clifton roll , but upon no other none other;

the applicant claims to have come to the Cherokee nation within the time prescribed by the Treaty of 1866, and he has introduced considerable testimony upon that point; it appears from the testimony of one or more of the applicant's witnesses that since they were put under oath they have conferred together about his case, and attention should be directed to that point; it further appears that for the past five years the applicant has been, until at least July last, a fugitive from justice, and has been living in the State of Kansas, according to his own testimony constantly, except when he would come into the Cherokee Nation secretly; it does not appear that he has been engaged in business in the Cherokee Nation except upon his mother's farm; he was married three times, and his present wife, whom he married in Kansas, is living there at this time, with the children, who he states are there attending school; his second wife he married in the state of Kansas, but her status that she lived almost exclusively in the Cherokee Nation, and died in the Cherokee nation; he married his wife in the year 1888, and she died in the year 1891; under these conditions, and referring to the testimony generally, the applicant will now be listed as a Cherokee Freedman as a doubtful case, and the final decision of the commission will be made known to him at his post-office address.

As for his present wife it appears that she was married once before but her former husband was dead when she contracted the present marriage to the applicant, and the applicant was married twice before, but his two former wives were dead when he contracted his present marriage; there is some personal testimony establishing the marriage in addition to that of the applicant, but his wife is a state woman, he married her in the State of Kansas and in the year 1897; so that under the conditions stated it is apparent that she is not entitled to enrollment at this time, and the application for her enrollment is rejected.

As for the four children named in the testimony; they are all four said to be living at this time ; they are minors, and are identified on the Kerns-Clifton roll; it seems that those children were all born in the Cherokee Nation; they are all children of the applicant's second wife, Mattie Smith, of the legality of whose marriage to the applicant there does not at this time appear any question; these children will now be listed for enrollment as Cherokee Freedmen, on a doubtful card; their mother, apparently lawfully married to their father, possessed no rights of her own, she being a state woman;

As for the applicant's mother; she is identified on the Kerns-Clifton roll, but not upon the roll of 1880, or 1896, and not satisfactorily identified upon the Wallace roll; so far as the evidence adduced goes, her right to enrollment appears to depend upon the period of her return from the State of Kansas, and of course her not being upon the roll of 1880 or upon that of 1896 indicates that she was not admitted to enrollment for some material reason; the testimony is to the effect that she returned to the Cherokee Nation at the time her son did; it is not disputed that she was a slave of the Cherokee Nation at the time the war broke out, and a slave of a Cherokee citizen; she will now be listed for enrollment as a Cherokee Freedman on a doubtful card, and the final decision of the Commission will be made known to her at her post-office address, and as regards the other applications, namely, those for the applicant and his children, the final decision will be made known to him at his post-office address.

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M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this May 27,1901.

Commissioner.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAY 23 1901

ACTING

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date May 23rd 1901

Post Office Ketchum, I.T.

District Delaware.

1. Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

2. Name of wife Callie Vann Age 41

Owner's name ..... Citizenship .....

Year XXX Page XXX No. XXX District XXXXXXX

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

Names of Children:

3. ..... Year ..... Page ..... No. ..... Dist. .....

4. ..... Year ..... Page ..... No. ..... Dist. .....

5. ..... Year ..... Page ..... No. ..... Dist. .....

6. ..... Year ..... Page ..... No. ..... Dist. .....

7. ..... Year ..... Page ..... No. ..... Dist. .....

8. ..... Year ..... Page ..... No. ..... Dist. .....

9. ..... Year ..... Page ..... No. ..... Dist. .....

10. ..... Year ..... Page ..... No. ..... Dist. .....

11. ..... Year ..... Page ..... No. ..... Dist. .....

12. ..... Year ..... Page ..... No. ..... Dist. .....

Application made by Josh Vann Stenographer J. O. Rosson.

X Ruf

File with C. T. R-94.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., April 15, 1902.

In the matter of the application of Josh Vann for the enrollment of himself and others as Cherokee freedmen.

APPEARANCES:
Mellette & Smith, Vinita, I.T., attorneys for applicants.
J. S. Davenport, attorney for the Cherokee Nation.

G. W. ARMSTRONG, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A G. W. Armstrong.
Q Where do you live, Mr. Armstrong? A Bourbon County, Kansas.
Q Did you know a colored man up there by the name of Charlie Pea?
A Yes, sir.
Q When did you get acquainted with him? A Somewhere about '66.
Q Well how long did he live in that country after you got acquainted with him? A Well he lived there six or seven years.
Q Was he a married man, Mr. Armstrong, when he was living there?
A He was part of the time.
Q Well was he married when yougot acquainted with him? A No, sir, he wasn't grown.
Q Well did he marry after you got acquainted with him? A Yes, sir.
Q Did you know his wife? A Yes, sir.
Q What was her name? A Sukie, if I don't forgot it very bad he married a girl by the name of, well her name was Susan I reckon, but they always called her Sukie Rose.
Q Well now was he living with her when he left that country? A No, sir, he wasn't.
Q What become of her? A She died.
Q When did she die, about what year? A About '66 or '67.
Q She died while he was living there in that country? A Yes, sir.
Q How far did he live from you, Mr. Armstrong? A Well, my farm and the one he lived on cornered, he lived right southwest of me, just cornered my place.
Q Well, do you know whether or not he married after this wife died? A I couldn't say as to that; he left there, all of the Peas left there.
Q What other members of the Pea family were there that you knew? A Well, there was his uncle Ben Pea, and his mother, Millie Pea, and he had a sister, Ann Pea, and a brother, Sam Pea, and Charlie Pea, that amounted to the whole family.
Q And his wife died either in '66 or '7, this Susan Pea? A Yes, sir, as near as I can get at it, it's been a long time, and I would not swear positively to these things.

Mr. Smith waives cross-examination.

J. M. Perkins, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A J. M. Perkins.
Q You live—— A At Mapleton, Kansas, Bourbon County, Kansas.
Q How long have you lived there? A I have been in Mapleton ever since 'bl, December, '81.

Q After you went to Mapleton did you get acquainted with a colored man by the name of Charlie Pea? A I did.
Q About how long had he been there before you got acquanited with him? A Well now I don't remember how long he had been there: about '62 I remember of becoming acquainted with him and the family that he lived with.
Q Well what family did he live with? A He lived with old man Pea, he was a blacksmith.
Q That is the old man or Charlie? A No, the old man.
Q Well, was he married at that time? A No, sir, he wasn't, he was married afterwards.
Q Do you know what his wife's name was that he finally married? A Her name was, well now, her given name was Susie, they called her Sukie Pea, that was what they called her, but her name was Susan, and my understanding is that it was Ross, but I don't know that it was Susie Ross; I knew him though.
Q Did that wife live until he left that country? A No, sir, she died there in '67.
Q Do you know whether or not he had married again before he left there? A No, sir, hadn't remarried.
Q You haven't seen him since he left there? A I have never seen him since he left there, but then he didn't marry there.
Q Well, from the time he married Susie Ross up until the time of her death did he live in your neighborhood? A Yes, sir.
Q He lived right there with Pea's family, and his wife died in '67? A Yes, sir.

MR. SMITH: All you knew was a man named Charlie Pea? A I knew the whole family of Peas, the old man, and well, there was Ben and the old lady that lived there was his sister,-now let's see they called her I can't call to mind that old lady's name, but Charlie lived in the family; he wasn't old Ben's son, but all I knew was there was a Charlie, a young man, in the family.

MARGARET PERKINS, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A Margaret Perkins.
Q You live at Mapleton, Kansas, do you, Mrs. Perkins? A Yes, sir.
Q How long have you lived there in that neighborhood? A 46 years.
Q Well, did you know a colored man by the name of Charlie Pea there about the time of the war or after the war? A Yes, sir.
Q Do you know whether or not he was a married man any time after you got acquainted with him? A He married while he was there.
Q Do you know who he married? A He married Susan Ross.
Q Well, now, was she living when he moved away from that country or not? A She wasn't living, she died.
Q Do you know when she died? A She died in '67.

Mr. Smith waives cross-examination.

COMMISSION: This testimony will be filed with and made part of the record in the following Freedmen cases: D-418, R-94, D-666, D-705 and D-725, in addition to the case at bar, D-415.

Arthur G. Groninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he re-

ported the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Cromwyer

Subscribed and sworn to before me this 19th day of April, 1902.

J. J. Reuter

Notary Public.

D. 415.

To be filed with C. F. R. 94, Sallie Vann.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 16, 1902.

In the matter of the application of Josh Vann et al for enrollment as Cherokee Freedmen.

SUPPLEMENTAL TO D-415.

APPEARANCES:
Mellette & Smith for applicants.
W. W. Hastings for Cherokee Nation.

MARGARET PERKINS, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A Margaret Perkins.
Q What is your postoffice, Mrs. Perkins? A Mapleton, Kansas.
Q You testified once before in this case? A Yes, sir.
Q Did you know Charley Pee? A Yes, sir.
Q Did you know Susan Pee? A Yes, sir.
Q After Charley Pee's wife died, did you know whether he married again or not? A Well, yes, sir, I know he was living with another woman.
Q Well did you know her name? A Her name was Sukie Vann.
Q Sukie Vann? A Yes, sir, I knew her and her mother and brother.
Q Was that before or after the death of his other wife? A Yes, sir, after the death of Susan, after Susan was dead.
Q When did his first wife die? A She died in '67.
Q '67, and afterwards you know he was living with Susan Vann, Sukie Vann? A Yes, sir, with Sukie Vann.
Q Did Sukie Vann have any children that you know of? A Yes, sir, she had three, two was with her, and one lived at Posey Gibson's, her oldest.
Q What was his name? A His name was Josh, light colored boy, good big boy.
Q Well now do you know who Josh's father was or said to be? A Yes, sir, said to be, said, yes, sir. His mother's young master, Cull Vann, was said.
Q Claimed his young master, Cull Vann, was his father? A Yes, sir.
Q About what time did they leave that country? A Left anyway '68 or '9.
Q After his marriage to her? A After, yes, sir.
MR. SMITH: Now are you talking about Charley Pee? A Yes, sir, Charley Pee.
Q Well do you know whether or not he was a married man any time after you got acquainted with him when you first knew him? A No, sir, he was a young man for quite a bit.
Q Well did he marry while he was there where you lived? A Yes, sir, he married right there in the neighborhood.
Q Who did he marry? A Married Susan Ross, a girl that lived right there by us, too, on our place.
Q When did she die? A She died '67.
Q What makes you think it was in '67? A From the age of my daughter. Well one thing what makes me think it was, in '66 my husband bought a school quarter of land, and then the Pees leased the land for three years, it was in October, '66, and they leased

it for three years, and during the winter they put up a double log house and moved there in the spring, and the summer of '67 this [illegible] she had the consumption, and she was there off and on till along- oh, several times she was there.
Q When did he marry her? A He married her in about '64, must have married her about , '64, they came there in about '62, and must have been about '64 or '5 that he married her.
Q Well who was this woman that you say he lived with after Susan died? A Her name was Sukie Vann, she was the daughter of Lottie Vann, and after she came to that country she lived around there lived with a man by the name of Gilbert Vann, and those other two children, the first child that she had, she had three children, the first one the same name as the others, wasn't full brothers you know , she lived with this Gilbert Vann of the same name you know; her mother's name was Lottie Vann, she had a brother by the name of Mac Vann.
Q Now when did you say that these people left there? A They left there either in '68 or '9, I don't know which, for they leased the ground for three years, and they left there - well about - well, after she died, oh then would take this woman occasionally on trips to Ottawa, and he was with his mother, old dame Millie Pee, and Aunt Millie used to want sometimes for him to take her to Ottawa. Well he would drop her out and take this other woman and lived with her. I remember it being reported that he lived with that other woman.
Q Well how long would he be gone when he would go away? A They have a colony of colored folks at Ottawa that they visited back and forth, sometimes stayed longer than other times. He used to go and leave Susan that way sometimes. His first woman you know would go up there occasionally and come back.
Q Of course you didn't know where he went? A Oh no I don't know where he went to, except what I heard. Well they said he went, because his mother and his sister, and they would go back and forth, and they would come back, and "well, we have been gone to Ottawa," they seemed to have business there or visit or something; it wasn't really a visit of course, they couldn't have, but there was some business that they was back and forth with.
Q Well would they sometimes be gone a good while or not? A Oh no, not a good while, never spent - you know he would make several trips in the spring or summer you know, he would never spent very long at the time; why he couldn't make two or three trips I know when he-
Q Well about how long would you say? A Oh I would say he stayed sometimes a few weeks and sometimes a month and a half or two something like that.
Q Well now what makes you think it was in '66 that your husband bought the lease of land? A Well, the reason it was school land sales, and the school land sales was the 15th of October, 1906; and we have the deed of it; I have the numbers of land, '66. I know it for we bought the school quarter, and then that was the date that it was to be sold, the school section.
Q Well do you remember all this time or have you had to go back and look that up? A I didn't have to go back to look it up for I have the deeds yet.
Q The deed? A The deed to the school quarter.
Q Where is that deed? A I haven't it with me.
Q Got the deed at home? A Yes, sir, I have the deed at home.

Q That was the 15th of October, 1866? A Yes, October.
Q Well now how long after that was it before it was leased? A Well I presume the first, the same week that the sale was made, for you see the colored men lived around there, and all wanted homes.
Q I don't know anything about it. How long - you say you presume it was in the same week. Do you actually know when the lease was made of your own knowledge to be able to sweer to it? A Oh, yes, I could swear to it, it was the same week, I could swear to it.
Q Same week? A Same week, because it was talked of before, before he purchased, before my husband purchased the school quarter. He told them after he bought it he would let them build on it and lease it to them you know, and they went to work and put up a double log house, and they was there that fall and winter getting it put up before they got moved in it.
Q Now who was that who moved in? A Why Charley Poe and Ann Poe, his sister's husband his name was Tom Jackson, Tom Jackson and his wife, Charley Poe and his wife, and Uncle Ben Poe was the ones that worked and built the house and moved there.
Q Now this is the second time you have been here, isn't it? A Yes, sir.
Q Second time you have testified in this case? A Yes, sir, I think I testified, yes, sir, I testified in this case before.
Q Well when you was here before did you know as much about this as you do now? A Yes, sir, I testified just as far as I was called on to and didn't any further.
MR. HASTINGS: You came in here and went back very soon? A Yes, sir, went back the same day.
Q Mr. Davenport examine you before in this matter? A Yes, sir.

J. M. PERKINS, being first duly sworn testified as follows:

MR. HASTINGS: What is your name? A J. M. Perkins.
Q Are you the husband of Mrs. Perkins who just left the stand? A Yes, sir.
Q You have been here before as a witness in the case of Susan Vann or Susan Poe and or non Josh Vann? A Yes, sir.
Q Did you know Charley Poe? A Yes, sir.
Q Did you know his first wife? A His first wife was Susan Ross.
Q And is she living or dead? A Sir?
Q Is she living or dead? A She died in '67.
Q Did you know whether he lived with any other woman since that time as his wife, Charley Poe? A Well he went to live with Susan Vann.
Q Vann? A Sukie Vann.
Q Sukie Vann? A Yes, sir.
Q Was he living up there at the time? A Yes, sir.
Q Did she have any children that you know of, this Sukie Vann? A She had, as well as I can remember she had three children.
Q Three children? A Yes, sir, three.
Q Did one have any by the name of Josh? A Yes, sir, that was-er- my understanding that was her oldest one, Josh.
Q Did he ever hear of Josh's father, who was reputed to be his father? A Yes, sir.
Q Who? A Guilder Vann, that was his I understood, that old Mr. Guilder Vann, that's what they called him.
Q How long did you know them before after he was living with Sukie Vann? A Well?
Q About what time did they leave that country? A He left there some time in '68, either, or five or '69.

Posey Gibson and Charley Pee and the old man Pee all moved in here somewheres about Chetopa in '68, that was my understanding, that's where they went to.
Q You knew them until they left up there? A Oh, yes, sir, I knew them myself, I worked for them and worked with them.
Q How near did they live to you? A Well they were just about, they was about four miles.
Q You knew Posey Gibson, too, did you? A Oh, yes, sir.
This Josh Vann, son of Suhie, lived most of the time with Posey Gibson. You see after she left her first man that she lived with there, was Gilbert Vann, well after he either died or separated, I think he died, that was Gilbert Vann, she lived with Gilbert, Vann, her first man there, well then she went to live with her mother, lived up the river from us in what was called the Hobson settlement, then she went to live with her mother that was down the river from us east you know about four miles down the river, well then this boy, Culler Vann, or not Culler Vann but Josh Vann, the boy, lived with Posey Gibson.
Q Right there in the same neighborhood? A Yes, sir, right in the same neighborhood; well they were about a mile apart, about a mile apart I think. I think he lived there as much as three or four years with Posey Gibson.
Q And you say Posey Gibson never left there till '68? He never left until up in '68, they all left there about the same time, they all left there about the same time.
MR. SMITH: Why, Mr. Perkins, did you get a lease, but some school land up there? A No, that was my wife's first husband.
Q It was? A Yes, sir, I know about the date, I was living right there when the deal was made mind you.
Q When was that? A Well, that was in, I can't give you the numbers of the land.
Q No, the date I am asking about? A Oh, that was in '66.
Q What time? A In '66, October I think, about the 15th, that was; I bought some school land about the same time, about '66.
Q Well now after that school land was bought how long did these people the Pees that you are talking about, ever live on that school land that he bought? A Well I don't know; there was a man by the name of Jackson that had married one of these Pees lived on that school land, and I don't remember that Charley Pee ever lived on that school land, if he did I don't remember; he lived in the same neighborhood.
Q Where were you living? A I was living in Hapleton and this time.
Q How far from that school land? A About four miles.
Q Well how long after the school land was sold there before this man Jackson went to live on the school land? A Well now I think that he - I think that Jackson lived there about, I think about a year, a little over a year.
Q Little over a year? A Yes, sir.
Q Well was he living on it at the time he left to go away from that country? A Jackson?
Q Yes, sir? A Yes, sir.
Q He and the Pees all went together did they, or how was it? A No, sir, Jackson and the Pees didn't come together.
Q When did Jackson go? A Well now I always understood that Jackson went to Humboldt, but I ain't sure.
Q Well when? A About, well about '67 or '8, somewheres along there, and then he was on the school land about a year, I believe

in '68.
Q When did you think he went on the school land? A Well he went on the school land - well that school land was purchased in October, '66, and then he put up buildings, and he went onto it, and I don't think he was on there more than a year.
Q How long was it after it was bought in '66 before he went on it? A I think, I don't remember the exact days, but he built on it and put up some cabins, double log cabins.
Q Was it the same year that it was bought? A Yes, sir, the same year, in '67 - no, in '66. Well it was that next winter that he built on it, he went; but you see he bought it in October, '66.
Q It was that following winter that he went onto it? A Yes, sir.
Q And nobody went on it but Jackson? A Well I never of anyone living on there now, that school land but Jackson, that is any of the colored people; I never knew the Pees lived on it. Charley lived right in the neighborhood, he lived there.
MR. HASTINGS: How far? A Well within a half a mile of that school land.
Q Do you know whether it was on the school land or not that he lived? A Well I don't, but I don't think that he lived on it, but I ain't sure but they was on that now; I can't be positive about that, my woman knows whether they was, but he lived right in that neighborhood now, you know for me just to say positive, for them buildings was all gone after that, after they left those cabins they were torn down.
Q Well she would know more about that than you would, wouldn't she? A Yes, sir.
Q When were you married to her? A We was married in '88, '89.
Q A number of years after that? A Yes, sir.
Q You wasn't living with her at that time? A We all lived in the same neighborhood, had known one another.

COMMISSION: This testimony will be filed with and made a part of the record in the following Freedmen cases: D-416, R-94, D-666, D-707, D-725, and D-415, the case at bar.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 22nd day of May, 1902.

(Seal)

(Signed) P. G. Reuter,
Notary Public.

-6-

I, Arthur C. Evans, a stenographer to the Commission to the Five Civilized Tribes, do solemnly state that the above and foregoing is a true and perfect copy of the original now on file with the Commission, as the same was made by me.

Arthur C. Evans

Subscribed and sworn to before me this 30th day of July, 1902.

Bruce B. Jones
Notary Public.

Department of the Interior.

Commission to the Five Civilized Tribes.

In the matter of the application for enrollment of William Davis, et al., as citizens by intermarriage of the Cherokee Nation, consolidating the applications of:

William Davis,	Cherokee Freedmen D— 14;
Henry Thomas,	Cherokee Freedmen D— 98;
Ella Vann,	Cherokee Freedmen D— 99;
Mary Markham,	Cherokee Freedmen D— 100;
Frances Melton,	Cherokee Freedmen D— 110;
John Dotson,	Cherokee Freedmen D— 111;
Mary Jane Vann,	Cherokee Freedmen D— 113;
Thomas Lowe,	Cherokee Freedmen D— 119;
Ella Mayfield,	Cherokee Freedmen D— 124;
Sallie Rider,	Cherokee Freedmen D— 127;
Reuben Campbell,	Cherokee Freedmen D— 161;
Van Jackson Luther,	Cherokee Freedmen D— 172;
Cassie Middleton,	Cherokee Freedmen D— 175;
Mary Harris,	Cherokee Freedmen D— 179;
Nellie Fields,	Cherokee Freedmen D— 196;
John Kimbo,	Cherokee Freedmen D— 196;
William S. Madden,	Cherokee Freedmen D— 199;
Jane Bean,	Cherokee Freedmen D— 209;
Albert P. Thomas,	Cherokee Freedmen D— 220;
Mary Campbell,	Cherokee Freedmen D— 230;
Caroline Daniels,	Cherokee Freedmen D— 252;
Melvina Alberty,	Cherokee Freedmen D— 257;
Dave Morris,	Cherokee Freedmen D— 258;
Alexander Taggett,	Cherokee Freedmen D— 259;
Amanda Martin,	Cherokee Freedmen D— 261;
Eliza Martin,	Cherokee Freedmen D— 262;
John B. Barnes,	Cherokee Freedmen D— 270;
Bell Davis,	Cherokee Freedmen D— 280;
Samuel Brown,	Cherokee Freedmen D— 282;
Howard P. Watson,	Cherokee Freedmen D— 312;
Jack McConnell,	Cherokee Freedmen D— 320;
Maude Manley,	Cherokee Freedmen D— 3[illegible];

George Reed, Sr.,	Cherokee Freedmen D—382,
Buck Ledman,	Cherokee Freedmen D—406,
Bell Thompson,	Cherokee Freedmen D—411,
Lewis Scott,	Cherokee Freedmen D—420,
Abe Scott,	Cherokee Freedmen D—421,
[illegible]	Cherokee Freedmen D—[illegible],
Thomas E. Allen,	Cherokee Freedmen D—[illegible],
Lewis Vanderford,	Cherokee Freedmen D—426,
John L. Bowlin,	Cherokee Freedmen D—444,
Katie Davis,	Cherokee Freedmen D—455,
Charles Williams,	Cherokee Freedmen D—473,
John J. Rose,	Cherokee Freedmen D—474,
Jane Martin,	Cherokee Freedmen D—486,
Lena Peterson,	Cherokee Freedmen D—490,
Alex Johnson,	Cherokee Freedmen D—493,
Martha Vann,	Cherokee Freedmen D—495,
John Scott,	Cherokee Freedmen D—501,
Nancy Ross,	Cherokee Freedmen D—513,
Charles C. Smith,	Cherokee Freedmen D—514,
Susie Colbert,	Cherokee Freedmen D—520,
William Skaggs,	Cherokee Freedmen D—545,
Susie Johnson,	Cherokee Freedmen D—546,
Alfred P. Hopkins,	Cherokee Freedmen D—550,
Kissie Vann,	Cherokee Freedmen D—552,
Freddie Looney,	Cherokee Freedmen D—573,
Lucy Chouteau,	Cherokee Freedmen D—584,
Alice Durant,	Cherokee Freedmen D—588,
Mahaley Ward,	Cherokee Freedmen D—608,
Fred D. Thomas,	Cherokee Freedmen D—650,
Bettie Beck,	Cherokee Freedmen D—665,
Ellis Warren,	Cherokee Freedmen D—667,
Millie Robinson,	Cherokee Freedmen D—674,
Mary Webber,	Cherokee Freedmen D—691,
Frances Martin,	Cherokee Freedmen D—692,
Mary Riley,	Cherokee Freedmen D—696,
Emanuel Taylor,	Cherokee Freedmen D—699,
Henry Sykes,	Cherokee Freedmen D—733,
Larkin P. Powell,	Cherokee Freedmen D—735,
Stepney Dawn,	Cherokee Freedmen D—736,
Malinda Vann,	Cherokee Freedmen D—741,
Frances Johnson,	Cherokee Freedmen D—742,
Annie Foster,	Cherokee Freedmen D—743,
Mary H. Rogers,	Cherokee Freedmen D—752,
George Washington Lane,	Cherokee Freedmen D—758,
Jane Brown,	Cherokee Freedmen D—760,

Committee to the Five Civilized Tribes.
Department of the Interior

C.F.R. 94

Samuel L. Young,	Cherokee Freedmen D—741,
John Buckner,	Cherokee Freedmen D—780,
Willie Cox,	Cherokee Freedmen D—781,
Leonard Bowles,	Cherokee Freedmen D—787,
Malinda Murrell,	Cherokee Freedmen D—788,
Charles Claggett,	Cherokee Freedmen D—789,
Samuel Irven,	Cherokee Freedmen D—793,
Mary Ross,	Cherokee Freedmen D—799,
Maggie Nave,	Cherokee Freedmen D—808,
Neoma Nave,	Cherokee Freedmen D—816,
Ella Ross,	Cherokee Freedmen D—840,
Elizabeth Duncan,	Cherokee Freedmen D—871,
Sadie Adams,	Cherokee Freedmen D—880,
Georgeann Archer,	Cherokee Freedmen D—901,
John Claggett,	Cherokee Freedmen D—912,
Hattie Smith,	Cherokee Freedmen D—923,
Jack Jackson,	Cherokee Freedmen D—938,
Lula Sanders,	Cherokee Freedmen D—973,
George Haselrig,	Cherokee Freedmen D—987,
Lizzie West,	Cherokee Freedmen D—999,
Maria French,	Cherokee Freedmen D-1010,
Mary Johnson,	Cherokee Freedmen D-1039,
Maggie Vann,	Cherokee Freedmen D-1062,
William Hudson,	Cherokee Freedmen D-1067,
Sarah Rogers,	Cherokee Freedmen D-1078,
Abraham Ballard,	Cherokee Freedmen D-1082,
Laura David,	Cherokee Freedmen D-1085,
John Deekman,	Cherokee Freedmen D-1105,
James B. Perry,	Cherokee Freedmen R— 39,
Isaac Welch,	Cherokee Freedmen R— 45,
Lawson Logan,	Cherokee Freedmen R— 48,
George Howell,	Cherokee Freedmen R— 56,
Henry Mann,	Cherokee Freedmen R— 72,
George Adams,	Cherokee Freedmen R— 82,
Annie Thomas,	Cherokee Freedmen R— 83,
Lewis McConnell,	Cherokee Freedmen R— 86,
Callie Vann,	Cherokee Freedmen R— 94,
Lon Peters,	Cherokee Freedmen R— 96,
Ida Adair,	Cherokee Freedmen R— 99,
Robert Brown,	Cherokee Freedmen R—100,
Allie Chambers,	Cherokee Freedmen R—102,
Iona Jones,	Cherokee Freedmen R—104,
Alice Gunter,	Cherokee Freedmen R—105,
Katie Adair,	Cherokee Freedmen R—106,
Carrie Martin,	Cherokee Freedmen R—107,

Benjamin Clark,	Cherokee Freedmen R—108,
Emily Looney,	Cherokee Freedmen R—110,
John Groves,	Cherokee Freedmen R—112,
Matilda McNair,	Cherokee Freedmen R—117,
Bettie Vann,	Cherokee Freedmen R—122,
Nelson Lett,	Cherokee Freedmen R—125,
Fannie Rogers,	Cherokee Freedmen R—129,
William Washington,	Cherokee Freedmen R—131,
Squire Warren Owens,	Cherokee Freedmen R—143,
Fannie Goldeby,	Cherokee Freedmen R—144,
Susan Daniels,	Cherokee Freedmen R—146,
Anderson Tuck,	Cherokee Freedmen R—148,
David Lane,	Cherokee Freedmen R—156,
Felix McClain,	Cherokee Freedmen R—165,
Henderson Jones,	Cherokee Freedmen R—178,
Belle Vann,	Cherokee Freedmen R—181,
Levi Stroud,	Cherokee Freedmen R—196,
John Sumpter,	Cherokee Freedmen R—311,
Mariah Thompson,	Cherokee Freedmen R—330,
Ellen Sheppard,	Cherokee Freedmen R—337,
Lula Melton,	Cherokee Freedmen R—347.

DECISION.

It appears from the record herein that applications for enrollment as Cherokee citizens by intermarriage, were made to this Commission by William Davis for himself; by Hannah Thomas for her husband, Henry Thomas; by Jim Vann for his wife, Ella Vann; by Sig Markham for his wife, Mary Markham; by Nathan Melton for his wife, Frances Melton; by Mary Dotson for her husband, John Dotson; by George W. Vann for his wife, Mary Jane Vann; by Thomas Lowe for himself; by Thomas Mayfield for his wife, Ella Mayfield; by James Rider for his wife, Sallie Rider; by Booker Campbell for himself; by Van Jackson Luther for himself; by Tobe Midleton for his wife, Cassie Midleton; by Thomas Harlin for his wife, Mary Harlin; by John Fields for his wife, Nellie Fields; by John Kimbo for himself; by William N. Madden for himself; by Tobias Bean for his wife, Jane Bean; by Etta Thomas for her husband, Albert T. Thomas; by James Campbell for his wife, Mary Campbell; by Frank Daniels for his wife, Caroline Daniels; by Jim Alberty for his daughter-in-law, Melvina Alberty; by Sarah Morris for her husband, Dave Morris; by Jane Claggett for her husband, Alexander Claggett; by Payton Martin for his wife, Amanda Martin; by Charles Martin for his wife, Eliza Martin; by John E. Barnes for himself; by Joe Davis for his wife, Bell Davis; by Ellen Brown for her husband, Samuel Brown; by Mary Ann Watson for her husband, Howard P. Watson; by Jack McConnell for himself; by Maude Manley for herself; by George Reed, Sr., for himself; by Buck Ledman for himself; by Bell Thompson for herself; by Lewis Scott for himself; by Abe Scott for

himself; by Kender Lampton for himself; by Thomas E. Allen for himself; by Lewis Vanderford for himself; by Elizabeth Bowlin for her husband, John L. Bowlin; by John D. Davis for his wife, Katie Davis; by Charles Williams for himself; by John J. Rose for himself; by David Martin for his wife, Jane Martin; by Fred Peterson for his wife, Lena Peterson; by Mariah Johnson for her husband, Alex Johnson; by Joseph Vann for his wife, Martha Vann; by John Scott for himself; by Steve Looney for Nancy Ross; by Charles C. Smith for himself; by James Colbert for his wife, Susie Colbert; by Rosanna Skaggs for her husband, William Skaggs; by Susie Johnson for herself; by Alfred P. Hopkins for himself; by Charles Vann for his wife, Kizzie Vann; by Jake Looney for his wife, Freddie Looney; by Lucy Chouteau for herself; by Alice Durant for herself; by Alonzo Ward for his wife, Mahaley Ward; by Fred D. Thomas for himself; by Benjamin Beck for his wife, Bettie Beck; by Ellis Warren for himself; by William Henry Robinson for his wife, Millie Robinson; by Josh Webber for his wife, Mary Webber; by Otto Martin for his wife, Frances Martin; by Ed Riley for his wife, Mary Riley; by Emanuel Taylor for himself; by Henry Sykes for himself; by Larkin P. Powell for himself; by Stepney Dawn for himself; by Ellis Vann for his wife, Malinda Vann; by David Johnson for his wife, Frances Johnson; by Phillip Foster for his wife, Annie Foster; by Houston Rogers, Jr., for his wife, Mary H. Rogers; by George Washington Lane for himself; by Silas Hammer Brown for his wife, Jane Brown; by Samuel L. Young for himself; by Lizzie Buckner for her husband, John Buckner; by Sarah Cox for her husband, Willis Cox; by Susan Bowles for her husband, Leonard Bowles; by Henry Murrell for his wife, Malinda Murrell; by Charles Claggett for himself; by Samuel Irven for himself; by David Ross for his wife, Mary Ross; by George F. Nave for his wife, Maggie Nave; by Lewis Armstead Nave for his wife, Neoma Nave; by Perry Ross for his wife, Ella Ross; by Elizabeth Duncan for herself; by Perry Adams for his wife, Sadie Adams; by Thomas Archer for his wife, Georgeann Archer; by Nancy Claggett for her husband, John Claggett; by Sonny Smith for his wife, Hattie Smith; by Jack Jackson for himself; by John Sanders for his wife, Lula Sanders; by Mary Hazelrig for her husband, George Hazelrig; by George West for his wife, Lizzie West; by Maria French for herself; by Mary Johnson for herself; by Maggie Vann for herself; by William Hudson for himself; by Sarah Rogers for herself; by Abraham Ballard for himself; by King David for his wife, Laura David; by John Deckman for himself; by James B. Parry for himself; by Isaac Welch for himself; by Nancy Logan for her husband, Lawson Logan; by Maria Howell for her husband, George Howell; by Amanda Masir for her husband, Henry Masir; by Katie Adams for her husband, George Adams; by Willie Thomas for his wife, Annie Thomas; by Lewis McConnell for himself; by Josh Vann for his wife, Callie Vann; by Lou Peters for herself; by Robert Adair for his wife, Ida Adair; by Josie Brown for her husband, Robert Brown; by Mat Chambers for his wife, Allie Chambers; by Rachel Jones for her husband, Isom Jones; by Lewis Gunter for his wife, Alice Gunter; by Amos Adair for his wife, Katie Adair; by William H. Martin for his wife, Carrie Martin; by Benjamin Clark for himself; by Emily Looney for herself; by Mary Groves for her husband, John Groves; by Butler McNair for his wife, Matilda McNair; by Bettie Vann for herself; by Nelson Lett for himself; by Allen Rogers for his wife, Fannie Rogers; by William Washington for himself; by Squire Warren Owens for himself; by Fannie Goldsby for herself; by Charles Daniels for his wife, Susan Daniels; by Rachel Turk for her husband, Anderson Turk; by David Lane for himself; by Felix McClain for himself; by Henderson Jones for himself; by Isaac Vann for his wife, Belle Vann; by Maggie Stroud for her husband, Levi Stroud; by John Sumpter for himself; by Mariah Thompson for herself; by Ellen Sheppard for herself; and by Lula Melton for herself, claiming their right thereto by virtue of their marriage to Freedmen Cherokee citizens.

The record further shows that none of the applicants herein make any claim to enrollment as citizens of the Cherokee Nation other than as set forth above.

It further appears from the record herein that at the time applications were made for the enrollment of the above named applicants, application was also made for the enrollment of other applicants as Cherokee Freedmen, but said applications being differently classified are not included in this decision.

It does not appear that any of the applicants herein are identified upon the 1880 Authenticated Cherokee Roll, nor does it appear that any of said applicants has ever been admitted to Cherokee citizenship by a duly constituted court or committee of the Cherokee Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321).

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Lemuel Welcome, (I. T. D. 5848-1904, 11,776-1904), the applications made for the enrollment of William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Midleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stephey Daws, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Melinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Alfie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington,

Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by intermarriage, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[SIGNED] TAMS BIXBY,
Chairman.

[SIGNED] T. B. NEEDLES,
Commissioner.

[SIGNED] C. R. BRECKINRIDGE,
Commissioner.

MUSKOGEE, INDIAN TERRITORY, JANUARY 19, 1905.

COPY.

Cherokee Freedmen
3-14 et al.

Muskogee, Indian Territory, January 24, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Mayhan, Frances Walton, John Watson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Martin, Nellie Fields, John Kimbo, William S. Hansen, Jane Dean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Jane Morris, Alexander Chaggett, Sarah Martin, Eliza Martin, John E. Barnes, Bell Davis, Susan Brown, Howard F. Watson, Jack McClendon, Maude Manley, George Reed, Sr., Buck Redman, Bell Thompson, Lewis Scott, Abe Scott, Xander Hampton, Thomas H. Allen, Lewis Vandeventer, John I. Rivlin, Katie Lewis, Charles Williams, John J. Ross, Jane Martin, Anna Patterson, Alex Johnson, Martha Vann, John Scott, Nancy Dean, Charles H. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Minnie Vann, Freddie Looney, Rosy

Chesteen, Alice Durant, Mahaley Ware, Fred D. Thomas, Bettie [redacted], Ellis Warren, Millie Robinson, Mary [redacted], Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, LeMin P. Powell, Stephen [redacted], Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Rose, Emma Nave, Ella Ross, Elizabeth [redacted], Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hamblig, Minnie West, Maria French, Mary Johnson, Maggie Vann, William [redacted], [redacted] Rogers, Mirriam Ballard, Laura David, John [redacted], Susan B. Perry, Isaac Welch, Lawson Logan, George [redacted], Henry [redacted], George Adams, Annie Thomas, Lewis McDougall, Callie Vann, Ida Peters, Ida Blair, Robert Brown, Allie Chambers, Isom Jones, Alice Hunter, Katie Blair, Carrie Martin, Benjamin Clark, Willy Lacey, John Groves, Matilda McNair, Bettie Vann, Edison Lee, Fannie Reynolds, William Washington, Squire Warren Jones, Dennis Goldsby, Susan Daniels, Anderson York, David Love, Felix McGhee, Henderson Jones, Emily Vann, Levi Sprouse, John Hughes, Patsy Thompson, Ellen Sheppard and Lula Walton, as Cherokee citizens by [redacted].

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his action and approval. The action of the

[redacted]

[redacted]

[redacted]

(SIGNED). Tamie Bixby [redacted]

Impl. E-4.

COPY.

Cherokee Freedmen

R-94.

Muskogee, Indian Territory, January 24, 1905.

Callie Vann,

Ketchum, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED Tams Bixby.

Chairman.

Incl. S-81.

Register.

COPY.

Cherokee Freedmen
3414 et al.

Muskogee, Indian Territory, January 24, 1905.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted record of proceedings had in the matter of the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cussie Middleton, Mary Martin, Millie Fields, John Kirbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Jane Purvis, Alexander Claggett, Amanda Martin, Eliza Martin, John T. Barnes, Rolf Davis, Samuel Brown, Howard F. Watson, Jack McCoskill, Hardy Manley, George Reed, Sr., Hank Ledgen, Bell Thompson, Edwin Scott, Ike Scott, Kenday Lampton, Thomas R. Allen, Lewis Vann[illegible]ford, John L. Durlin, Katie Davis, Charles Williams, John F. Ross, Jane Martin, Lena Peterson, Alex Johnson, Eugene Vann, John Scott, Nancy Ryan, Charles C. Smith, Susie Gilbert, William [illegible], Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Bryant, Kahaley Ward, Fred D. Thomas, Nettie Buck, Ellis Warren, Millie Robinson, Mary Walker,

Frances Martin, Mary Riley, [illegible], Fanny [illegible], Lorain F. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary E. Rogers, George Washington Lane, Jane Brown, [illegible], John Buckner, Willis Cox, Leonard Bowles, Malinda Harrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Ross, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hutson, Sarah Rogers, Abraham Ballard, Laura David, John [illegible], James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Nasir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lon Peters, Ida Adair, Robert Brown, Allie Chambers, Iona Fowee, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Lackey, John Groves, Matilda McNair, Bettie Vann, Nelson Holt, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Oakley, [illegible] Daniels, Anderson Turk, David Lane, Felix McClain, [illegible] Jones, Belle Vann, Levi Sixkiller, John Sumpter, Marion Thompson, Ellen Sheppard and Dale Melton, as Cherokee citizens by [illegible] marriage, including the Commission's decision dated January 23, 1905, rejecting said applications.

Respectfully,

(SIGNED) Tams Bixby.
Commissioner.

Incl. 2-8.

Through the
Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR,

Refer in reply to the following:
Land.
7908-1905.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, March 20, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 24, 1905, transmitting the record of the application for enrollment as Cherokee citizens by intermarriage to Cherokee freedmen by William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John H. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Mundo Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Louis Scott, Abe Scott, Kender Lampton, Thomas H. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charley Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Bean, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Durant,

Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Willie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin F. Powell, Stepney Dunn, Malinda Vann, Frances Johnson, Annie Foster, Mary E. Rogers, George Washington Lane, June Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Ivven, Mary Rose, Maggie Wave, Neoma Wave, Ella Wass, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Mansolrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Beckman, James E. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Nasir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Greves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Marish Thompson, Ellen Sheppard, and Lula Walters.

January 19, 1905, the Commission decided adversely to all the applicants.

The record shows that none of the applicants makes claim to enrollment as citizens of the Cherokee Nation, except by intermarriage with a Cherokee Freedman; that none has ever been enrolled or admitted to citizenship by any tribal authority of the

Cherokee Nation or by any United States tribunal and that none is identified on the 1880 authenticated Cherokee roll.

In view of the record and of the ruling of the Department of November 12, 1904 (I. T. D. 8848-1904) in the Lemmel Welcome case, the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

W.J'.M.
W.

(C O P Y)

D. C. 20877-1905. W.C.P.
I.T.D. 2904-1905 F. H. H.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I R H April 17, 1905

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

January 24, 1905, you transmitted the record in the matter of the applications for the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation, including your decision of January 19, 1905, rejecting said applications, viz:

William Davis, Henry Thomas, Mila Vann, Mary Markham, Frances Walton, John Watson, Mary Jane Vann, Thomas Lowe, Mila Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kamp, William S. Madden, Jane Bean, Albert E. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Day O Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John L. Barnes, Bell Davis, Samuel Brown, Howard P. Watson, Jack McConnell, Rande Manley, George Reed, Sr., Buck Lasher, Bell Thompson, Lewis Scott, Abe Scott, Xander Langley, Thomas E. Allen, Lewis Vanderford, John L. Sewlin, Katie Davis, Charles Williams, John J. Ross, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann,

John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary E. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Hewell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lon Peters, Ida Adair, Robert Brown, Allie Chambers Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett , Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Andersen Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton.

Reporting in the matter March 31, 1905, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) THOS. RYAN
Acting Secretary

1 inclosure.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.
WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
R-94.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 28, 1905.

Callie Vann,

Ketchum, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

Chairman.

COPY.

Cherokee Freedmen

D-14, et al.

Muskoge, Indian Territory, April 28, 1905

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED) Tams Bixby.

Chairman.

COPY.

Cherokee Freedmen
B-16, et al.

Muskogee, Indian Territory, April 28, 1906.

Commissioner in Charge,
Cherokee Land Office,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1906, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1906.

Respectfully,

(SIGNED) Tams Bixby
Chairman.

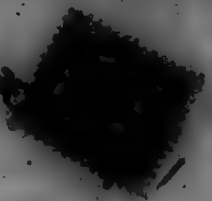
Ketchum, Indian Territory.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

Returned for returned
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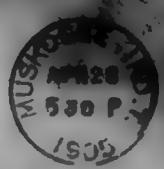


REGISTERED
JAN 31 1905
MUSKOGEE, IND. TER.

Callie Vann,
Ketchum, Indian Territory.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.







Callie Vann,

Ketchum, Indian Territory.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.





ENROLLMENT REFUSED. K 94

Decision.

IN THE MATTER OF THE APPLICATION OF

Callie Vann

FOR ENROLLMENT AS

CHEROKEE FREEDMEN.

A. Original testimony May 23. '01

B Mem. of application " "

See Cherokee Freedmen Docket No. 5415

Cher Fr R 95

Cher Fr R 95

REJECTED, as to child, DENNIS FOREMAN.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., May 29,1901.

In the matter of the application of Robert Foreman for the enrollment of himself, wife and three children as Cherokee Freedmen being sworn and examined by Commissioner Brockinridge, he testified as follows:

Q Give me your name? A Robert Foreman.
Q How old are you? A I don't know exactly, about 25 years old.
Q What is your post-office? A Tulsa.
Q In what district do you live? A Cooweescoowee District.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir.
Q Do you want to apply for anybody besides yourself? A Yes sir, my wife and children.
Q How many children? A I have got 2 children.
Q You want to apply then, for yourself, your wife and 2 children?
A Yes sir.
Q How long have you lived in the Cherokee Nation? A Lived here all of my life.
Q Give me the name of your father? A Harrison Foreman.
Q Is your father alive? A Yes sir.
Q Give me the name of your mother? A Caroline Foreman.
Q Is she alive? A Yes sir.
Q Give me the name of your wife? A Her name is Cora Foreman now.
Q How old is your wife? A She is about 25 or 4 years old I think.
Q Does she claim to be a Cherokee Freedman of her own right? A Yes sir
Q When were you and she married? A We was married in 1895, if I aint mistaken.
Q Were you ever married except to this wife? A No sir.
Was she ever married except to you? A No sir.
Q Give me the name of your wife's father? A Daniel Roach.
Q Is he alive? A Yes sir.
Q Give me the name of your wife's mother? A I don't know whether I know her name or not, I think though it is Patsy Roach.
Q Is she alive? A No sir.
Q Do you know how long she has been dead? A No sir, I don't.
Q Have you a certificate of marriage to your wife? A No sir.
Q Is there is anyone here who knows you and she have been living together as husband and wife? A Yes sir.
Q Who is it? A Charley Woodard.

CHARLEY WOODARD, being sworn and examined by Commissioner Brockinridge, testified as follows:

Q Give your name? A Charley Woodard.
Q How old are you? A I was born in '65.
Q What is your post-office? A Dawson.
Q How long have you lived in the Cherokee Nation? A Been here all my life.
Q Do you know the applicant here? Yes sir.
Q Do you know his wife? A Yes sir.
Q What is her name? A Cora Foreman.
Q What was her name before she married him? A Cora Roach.
Q About how long have they been living together as husband and wife? A I think they was married about 1895.
Q Been living together ever since? A Yes sir.
Q Have you known both of them a long time? A Raised up together.
Q Were either of them ever married before? A No sir.

Applicant, ROBERT FOREMAN, re-called, and further examined by Commissioner Brockinridge:

Q Give me now the names of your 3 children? A One of them is named Linnie Foreman.
Q How old is Linnie? A I think she is about three years old, three or four.
Q Now give me the name of the next child? A Harrison Foreman, Jr.
Q How old is Harrison? A Little better than three weeks old.
Q How old is Carrie? A My oldest child was born in 1896; I believe it was November 26th.

1880 authenticated roll of citizens of the Cherokee nation examined for applicants and identified on
page 697 #536 Robert Foreman, Sequoyah District, native Cherokee, 8 years old.
Com'r to clerk: With the family of Harrison and Caroline?
Clerk: Yes sir.
1880 roll; page 574 #1563 Carrie Roach, Illinois District, adopted colored.

1880 census roll of citizens of the Cherokee Nation examined and applicants identified on
page 403 #153 Robert Foreman, Coowescoowee District
page 403 #154 Carrie Foreman, Coowescoowee District.

Q Did you have a child named Dennis? A Yes, I have got a child named Dennis, but she is not the mother of that child.
Q You haven't applied for Dennis A No.
Q Is Dennis with his mother? A Yes.
Q She will apply for him? A No, I guess she aint a citizen.
Q You were never married to this child's mother? A No sir.
Q Well then, this child has no rights? A That's what I have heard lately; I didn't know; I thought I would explain it to you after I got through here.
Q Give me the name of this child that you say was born before you married your present wife? A Dennis Foreman, in his name.
Q How oldis that child? A He must be about 5 or 6 years old I reckon, I don't know exact.
Q Give me the name of the mother of this child? A I declare I don't know her name no more than her given name, her given name is Fannie.
Q She is alive now is she? A Yes sir. She is; at that time I didn't know her name, but she has been married since then, but she aint married now; she was married to a man by the name of Luther Goldsby.
Q And was she gone by the name of Goldsby? A Yes sir.
Q What name did she go by when you knew her alongabout the time this child was born, Fannie what? A Fannie Gardner, that was her name.
Q Where was it you knew her, near about your present home?
A Right close to my home, yes sir.
Q Now you say that you and this Fannie Gardner were never married.
A No sir, we were never married.
Q You never kept house together? A No sir.
Q How far did she live from you? A About two miles and a half, maybe a little further, maybe not quite so far.
Q You never lived together in the same house? A No sir.
Q Never made your home together in any way? A No sir.
Q You never told anybody that she was your wife? A No sir, I didn't never claim her for my wife.
Q And you never authorized her to tell anybody you were her husband
A No sir.
Q Is this woman married to a Cherokee Freedman now? A She was, she aint married to anybody now.
Q This Mr Goldsby, was he a Cherokee Freedman? A Yes sir, I think so.

Robert Foreman et al #

Q Is he alive? A He is alive.
Q Where does this woman live now? A I think there at Catoosa.
Q Where does this child Dennis live? A There at Catoosa with her, I saw him as I came by yesterday.
Q How did this child get on the roll of 1896? A I enrolled him.
Q How could you enroll him without admitting that you and the child's mother were married? A They never asked me anything about that, I just give in his name.
Q Now this woman Fannie, you say, is not a Cherokee Freedman at all? A No sir, I don't think she claims to be, I never heard of it if she did.
Q You know where she comes from? A Yes sir; well I don't know, but I have heard she come from Kansas City.

1896 census roll of citizens of the Cherokee nation examined for Dennis Foreman and found on page 403 #185 Dennis Foreman, Cooweescoowee District.

Q Has your wife lived in the Cherokee Nation all her life?
Q Yes sir.

Com'r Breckinridge: The applicant applies for the enrollment of himself, his wife and three children; the applicant is identified on the rolls of 1880 and 1896 as a Cherokee Freedman; he has lived in the Cherokee Nation all his life, and he will be listed for enrollment as a Cherokee Freedman;

His wife is identified on both of said rolls as a Cherokee Freedman; her change of name arising from marriage is established in a satisfactory manner, and she will now be listed for enrollment as a Cherokee Freedman; she has lived in the Cherokee Nation all her life;

The applicant has 2 children by this wife, Minnie and Harrison Foreman, Jr. these two children are too young to be upon any roll, but upon the commission is supplied with a proper certificate of their birth, they also will be listed for enrollment as Cherokee Freedmen;

The third child is Dennis Foreman, who, the applicant states, was born to him of a colored woman to whom he was never married, and who possesses no right of her own to Cherokee citizenship; it appears that there was no form of marriage or of marriage agreement between the applicant and the mother of this child; the applicant states that he gave in the child's name as his child in 1896, and it was enrolled without question though it was not from his child and the child of his wife; it appears therefore, from the testimony, that this child, though identified on the roll of 1896, was improperly enrolled at that time, and it possesses no rights at this time; therefore, this child, Dennis Foreman, will be listed as a Cherokee Freedman; upon a Rejected card.

M.D. Green, being first duly sworn, states that he is stenographer to the Commission to the Five Civilized Tribes; he correctly reported the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this Dec. 30, 1901.

I.

Cherokee Freedmen R-96.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Dennis Foreman as a Cherokee Freedman.

--:--

O R D E R .

It is ordered that copies of the testimony taken at Nowata, Indian Territory, June 28, 1901, in the application of Fannie Goldsby for enrollment as a Cherokee freedman by intermarriage, Case No. R-144, be filed with, and made a part of the record in the application of Dennis Foreman for enrollment as a Cherokee freedman, Case No. R-96.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Commissioner

Muskogee, Indian Territory.

NOV 22 1904

To be filed with B-95.

(C O P Y)

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I.T. June 28, 1901.

In the matter of the application of Fannie Goldsby for the enrollment of herself as a Cherokee Freedman by intermarriage.

Fannie Goldsby, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Fannie Goldsby.
Q How old are you? A 25
Q What is your postoffice address? A Catoosa.
Q What district are you living in? A Coowescoowee.
Q Who do you desire to enroll? A Myself.
Q Do you desire to make application for enrollment for yourself as a Cherokee Freedman by intermarriage? A Yes, sir.
Q You are not a Cherokee Freedman of your own right? A No, sir.
Q What is the name of your husband? A Luther Goldsby
Q The one through whom you claim citizenship? A Yes, sir
Q Is he a Cherokee Freedman? A Yes, sir.
Q Is his name on the roll of 1880? A Yes, sir
Q When were you married to him? A Married in 1897.

The Commission: Attention is called to the Cherokee marriage license that is filed in the case of Nina Goldsby et al., said license issued by Joe M. Lahay, Clerk of Coowees coowee district, Cherokee Nation, on the 15th day of January, 1897, and authorizes the marriage of Luther Goldsby, a citizen of the Cherokee Nation, to Miss Fannie Gordon, a citizen of the United States. The applicant does not produce any certificate showing that she was ever married in accordance with said license.

Q How were you ever married before you married Luther Goldsby?
A I was.
Q What was the name of your first husband? A Will Martin.
Q Was he a Cherokee Freedman? A No, he was a state citizen, we lived in the states then.
Q When were you married to him? A I married in 1890
Q How long did you live with him?
A I lived with him two years and six months I think
Q Up until the time of his death? A Yes, sir.
Q Were you ever married to any other man? A Married to Luther Goldsby.
Q Only those two? A That is all.
Q Are you and Luther Goldsby living together at the present time? A No, sir.
Q How long did you live together? A We married in 1897 and parted in 1898, and we went back together and lived together about three months, I guess, and parted again.

The 1880 authenticated roll of Cherokee Freedmen examined and Luther Goldsby identified thereon, page 512, No. 312, Illinois district, as Luther Beck.

The 1896 census roll of Cherokee Freedmen examined and Luther Goldsby identified thereon, page 261, No. 386, Illinois district.

Applicant not on any roll

The Commission: Fannie Goldsby applies for the enrollment of herself as a Cherokee Freedman by intermarriage. She is not identified upon any of the tribal rolls of the Cherokee Nation in the possession of the Commission. She produces a Cherokee marriage license issued the 15th of January, 1897,, authorizing her marriage to one Luther Goldsby. The said Luther Goldsby is identified upon the authenticated roll of 1880 and the census roll of 1896, as a Cherokee Freedman.

Her marriage in 1897 was too late for her to acquire property rights in the Cherokee Nation under the provisions contained in the Cherokee law of December 16, 1895, regulating the marriage of white men and women and foreighers to Cherokee citizens, consequently the application which she makes for enrollment as a citizen by intermarriage is rejected.

-o-o-o-o-o-o-o-o-o-

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Bruce C. Jones.

Sworn to and subscribed before me this the 11th of July, 1901.

(Signed) T. B. Needles
Commissioner.

Lucy M. Bowman, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing copy and that the same is a full and correct copy of the original transcript, now on file with the Commission.

Lucy M Bowman

Subscribed and sworn to before me this 22nd day of November 1904.

J B Campbell

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., July 28, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of DENNIS FORMAN as a Cherokee freedman.

This case is taken up on this day by agreement of the parties concerned.

APPEARANCES:
Applicant is represented by its father, Robert Foreman, and by attorney, R. W. Blue.
Cherokee nation by its attorney, James S. Davenport.

ROBERT FORMAN, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Robert Foreman.
Q How old are you? A I don't know exactly, 24 or '5.
Q When you appeared before the Commission on May 29, 1901, you gave your age as 25? A Maybe I did, I don't know exactly.
Q That would make it 27 or '8? A It may be.
Q What is your postoffice address? A Tulsa.
Q You have heretofore applied to the Commission for the enrollment of a child named Dennis Foreman? A Yes, sir.
Q Is that your child? A Yes, sir.
Q Is he living now? A Yes, sir.
Q Where? A With me, at my house.
Q How old is that child? A I don't know his age exactly, right about 10 or 12 years old.
Q Where was he born? A At Gateosa, near there.
Q In the Cherokee Nation? A Yes, sir.
Q What is the name of that child's mother? A I think her name is Fannie Gardner; it was, but her name is Fannie Goldsby now; she has married since.
Q She is still living, is she? A Yes, sir.
Q Is she a citizen of the Cherokee Nation? A Not that I know of.
Q Were you married to her? A No, sir.
Q Did you ever live with her as your wife? A No, sir.
Q Was she married at the time this child was born? A No, sir.
Q Was she living with any man? A Not that I know of.
Q Had she been living with anyone to your knowledge for a period of a year before the birth of that child? A None that I knew of.
Q You had never lived with her at all, yourself? A No, sir.
Q How long have you had this child in your possession? A He has been to my house ever since last winter; I don't know what month he came there, a little after Christmas, I think.
Q Where did he come from? A From across Bird Creek, about 2 1/2 miles from me; he was staying with a woman there and got so unruly she couldn't do anything with him and sent him to me.
Q Is that the first time he lived with you? A Yes, sir.
Q Was he living with his mother before that time? A He lived with his mother until he was four or five years old and then went to Mary Jackson's house; she wanted a little boy and she sent him back to his mother and this other wanted him to stay with her, and she kept him quite a while and she sent him to me.

Q Since that child's birth has either the child or its mother lived outside of the Cherokee Nation? A The child hasn't, I don't know about the mother; the child hasn't. If she has I don't know it.
Q You know that of your own knowledge? A I might nigh know it, be cause he stayed to Catoosa and from there to Mary Jackson and from Mary Jackson, Lizzie Foreman and from there back to his mother and fromthere to Lizzie Foreman and from Lizzie Foreman to me.
Q Where is its mother living now? A I heard she was up on Hickory Creek, near Coffeyville, and I heard she was at Coffeyville, but I don't know; she just works around for a living and just where her work calls her that is where she is.
Q Since the child's birth have you ever done anything towards its support? A Yes, sir, since it has been with me.
Q Since last winter? A Yes, sir.
Q Did you ever help to support it before that? A No, sir.
Q Never paid anything towards its sustenance? A No, sir, wasn't called on to and didn't.

By Mr. Blue:
Q Did you ever have any talk with this child's mother as to whose child it was?

Mr. Davenport: We object to that as incompetent, irrelevant and immaterial.
Commission: Objection noted; witness may answer.

A Not exactly; she always told me it was my child, is all I know.
Q Did you converse with her about that matter more than once? A She has told me I don't know how many times she told me it was my child.
Q About how many times? A I don't know whether it was five or six or more times; then she has told other parties so.
Q What do you say about it? A I have got her word for it, and I believe it is; everybody says it favors me.
Q Did you have intercourse with her? A Yes, sir.
Q Had an opportunity for the child? A Yes, sir, had a chance to be mine.
Q You say you think the child is about 12 years old? A He may be a little older and maybe not so old, I aint got it down.
Q Has he ever resided outside of the Cherokee Nation since he was born? A I can might nigh say where he didn't; I know he didn't.
Q How frequently have you seen him since birth? A I don't know exactly; for a while I would see him every day for nearly a year.
Q When was that, when he was younger or older? A When he was pretty small; he was pretty small yet; he small to his age.
Q Have you seen him as frequently as every month since he was born? A It might have been more than a month sometimes. When he was small, nursing his mother, but since then I guess I have seen him nearly every month, wouldn't be positive, I never did live over 25 of 30 miles from him and then I moved within 10 or 12 miles of him all the time until he came to live with me and a while I lived within 3/4 of a mile of him; I don't know just how long, maybe a year. Sometimes I would see him every day, maybe two or three times.
Q How old is his mother? A I don't know.
Q Has she ever been married? A Yes, sir, twice, I think, to my knowing, once I know, and I suppose twice.
Q Had she been married at the time this child was born? A Yes, sir, quite a while before that, but she had no husband at that time. After this child was born she married later on a fellow by the name of Goldsby and if she has been married since I don't know it.
Q When did she marry Goldsby? A I couldn't tell what year it was, quite a while after that.

Q Where has she kept her residence and home all the time since this child was born? A She always stayed at Cateosa and worked there at Tulsa until the last, I think it was the last year she left Cateosa.
Q Where did she go to then? A I heard she was up on Hickory a while and then about two or three months ago I got a notice from the Dawes Commission to appear here and I inquired about her and I heard she was at Coffeyville; I don't know whether she was or not; a man told me he heard she was there.
Q And you don't know that positively? A No, sir.
Q Is Hickory Creek that you speak of in the Cherokee Nation? A Yes, sir.
Q To your knowledge has she ever resided in Kansas since this child was born? A Not unless the last year, that is the nearest I don't know where she has been off up that way, I don't know about where she has been; while she was at Cateosa I could see and hear of her occasionally.

By Mr. Davenport:
Q Do you know whether or not the mother of Dennis is still living with Luther Goldsby? A No, sir, they have been parted I think for sometime; I know they have.
Q What kind of a looking woman was she? A A little brown skin woman very small.
Q The same woman he had at Vinita about threeyears ago? A I don't think they ever lived at Vinita.
Q She is nearly white? A No, sir, that was Jennie Tipton. She was before she married Luther; he had a girl by that name.
Q This mother of Dennis had been married before this child was born? A Yes, sir, sometime before.
Q There were other men that lived there in the neighborhood where she lived besides you at the time this chi ld was born and before, for a reasonable length of time? A Yes, sir.
Q How old are you now, Robert? A I don't know my age exactly. I may be 25 or more. From what this man says I must be about 27; I am uneducated and so are my father and mother and I have no record of my age.
Q The boy is about 12 years old, you think? A Yes, sir, maybe a little older and maybe not so old; I don't know exactly.
Q Where was you living at the time you claim this boy was born? A I was working over here at Lillietta, Creek Nation.
Q Where was the mother of the child living at that time? A Cateosa with her mother and stepfather at Cateosa, near there.
Q What are their names? A Dennis Vann and her mother was named Katy Vann, I think.
Q You never lived with this woman as your wife? A No, sir.
Q You were just a mere boy when you say this child was begotten? A Yes, sir, a pretty young boy; I laid around Cateosa there with a fellow by the name of Ben Vann.
Q There were other people there and she lived there in the neighborhood just like any other woman? A Yes, sir.
Q She had ample opportunity to be with any other man just the same as you? A Yes, sir, but I don't know of it.
Q No other man knew you were having sexual intercourse with her, either, was there? A No, sir.
Q When did you set up claim to this boy being yours, Robert? A It was talked a little before the child was born and after----
Q Still you let the child stay around different places until a year ago and didn't take care of it? A No, sir, I was single and------
Q How long have you been married? A I first married in--it has been about six years.
Q You have been married about six years and waited until last winter before you undertook to take care of the boy? A Yes, sir, other parties wanted him.
Q When did you get to wanting him? A I didn't care particularly---

Q You just began to set up claim to this boy about when allotment time came on? A No, sir, I never began to set up claim to him then; I enrolled him long before that.
Q When did you first enroll him? A I first enrolled him at Claremore or Fort Gibson, I don't remember which, I think at the Clifton enrollment. I think that was the name of the enrollment, and it may be that I enrolled him at Fort Gibson.
Q How far do you live from Cateosa now? A I think 12 miles.
Q What is your nearest postoffice? A Dawson.
Q How far from Dawson do you live? A Little north and west; I never go to Dawson, hardly ever, on account of its being just a coal switch and I go to Tulsa to trade and get my mail there.
Q The boy is with you now? A Yes, sir.
Q And he has been with you how long? A He come there sometime last winter; I don't know just what month; he got ~~enrolled and the woman~~ unruly and the woman couldn't make him mind and she sent him over to me.
Q You don't know where the mother is? A No, sir, I have heard she was one place and then heard another, and Don't know for certain.

By Mr. Blue:
Q Have you been married more than once? A Yes, sir.
Q When were you first married? A About six years ago, maybe a little longer; don't know exactly.
Q How long did you continue to live with that wife? A About four or five years.
Q What became of her? A She died.
Q Then when were you married the second time? A It will be about two years, I think, the 14th day of this coming August will be about two years.
Q About how long was it between the death of your first wife and the marriage to your second one? A A little over a year, to the best of my knowledge.
Q You say that you made application for the enrollment of this boy before the time for allotment came? A Yes, sir.
Q How often has he been enrolled? A Been enrolled twice I reckon. He was enrolled, I enrolled him at Chelsea, I reckon, I got his name in and the commissioner took his name.
Q Under what name did you make application for enrollment for him? A Always Dennis Foreman.
Q And that is his name? A Yes, sir.
Q You made application for the enrollment of yourself at the same time? A Yes, sir.
Q Who besides yourself and this boy did you seek to enroll at that time? A My wife and I think one child, either at Fort Gibson or Claremore, don't know which, I think Fort Gibson, and the next time at Chelsea for myself, wife and two children and Dennis Foreman.

DENNIS VANN, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Dennis Vann.
Q How old are you? A 54.
Q What is your postoffice address? A Cateosa.
Q Are you a Cherokee freedman? A Yes, sir.
Q How long have you lived at Cateosa? A Pretty near 15 years now.
Q Do you know Robert Foreman who has just left the stand? A Yes, sir.
Q How long have you known him? A Ever since he was a boy.
Q Do you know a colored child, Dennis Foreman? A Yes, sir, I named him for me.
Q How long have you known that child? A Ever since he was born.
Q How old is he now? A He was born in the spring of '95; I don't know just the day.

Q Do you know anything about who was the father and mother of that child? A A stepdaughter of my wife's was its mother.
Q What was her name? A Fannie Goldsby, married Luther Goldsby.
Q Is she a citizen of the Cherokee Nation? A No, sir.
Q What is your understanding as to who is the father of that child? A Robert Foreman is who she says.
Q With whom has that child lived since its birth? A It lived with its mother till it was pretty good sized and Mrs. Jackson kept it right there where Robert lives, and another woman had it a while and Robert had it a while; after his wife died he let them women take care of it.
Q Where is it living now? A The last time I saw it there with Mrs. Jackson.
Q That was when, the last time you saw it? A Three or four months ago, I think.
Q Do you know where that child's mother has lived since the birth of the child? A At Catoosa for a long time.
Q Has she lived outside of the Cherokee Nation since the birth of the child? A No, sir.
Q Has the child? A No, sir, no further than from Catoosa to Coal Creek, between there and Tulsa.

~~Q--Is-that-in-the-Cherokee-Nation,-Coal-creek?--A--Yes,-sir,-between Catoo-sa-an-Tulsa.~~

By Mr. Blue:
Q Is that in the Cherokee Nation, Coal creek? A Yes, sir, between Catoosa and Tulsa.
Q Have you known of its living outside of the Cherokee Nation at all since it was born? A No, sir, it never has been out.
Q How long did it stay at your house? A Until it was six or seven years old.
Q Its mother was your wife's daughter? A Yes, sir, after my wife died she stayed there and kept house for me a long time and when I married again then she moved in town.
Q What town was that? A Catoosa where I lived at.
Q Do you know absolutely know of your own knowledge that this boy has always lived in the Cherokee Nation since birth? A Yes, sir.
Q Never has been out? A No, sir, never has.
Q Do you know of your own knowledge that his mother has also resided all that time since his birth in the Cherokee Nation? A Yes, sir, she has lived right in the Cherokee Nation.

By Mr. Davenport:
Q Where is his mother living now? A She has moved away and went up to Gooseneck or somewheres.
Q Isn't she living in Coffeyville, Kansas? A She might be.
Q Hasn't she been living there for nearly two years? A No, sir, she has been living with Ben Vann.
Q Which Ben is that? A Ben Vann lives in Catoosa.
Q How long since she quit living with Ben Vann in Catoosa? A She just went away in the first of this spring or winter like. If she is at Coffeyville she hasn't been there a year yet.
Q When was it she kept house for you, with reference to the time this child was born? A A year or two years.
Q Before or after the child was born? A After.
Q Where was she living before the child was born? A With me; the child was born at my house.
Q Was the child born before your wife died? A Yes, sir, and she still lived there after my wife died and after I married again she moved in town; stayed there until she moved last spring and went to to Coffeyville or somewheres.
Q The last time you saw the boy it was living with Mrs. Jackson? A Yes, sir.

Q About four or five months ago? A Yes, sir.

By Mr. Blue:
Q Do you know where he is living now? A The last time I saw him he was living with Mrs. Jackson: He may have moved from there.

CHARLEY WOODARD, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Charley Woodard.
Q How old are you? A About 37, I guess.
Q What is your postoffice? A Coweta.
Q Are you a Cherokee freedman? A Yes, sir.
Q Do you know ~~where he is~~ Robert Foreman who lives up about Dawson? A Yes, sir.
Q How long have you known him? A I have known him a long time; I don't know how many ~~time~~ years.
Q Do you know a child one Dennis Foreman, who lived up there? A Yes, sir.
Q State what you know about that child, as to its birth and parentage? A All I know about it, he was born there at Catoosa, I think in '95, I don't know exactly.
Q What is the name of its mother? A I think its mother is named Fannie.
Q Fannie what? A Fannie Goldsby or something like that.
Q ~~Were you in that neighborhood when the child was born? A~~ Yes, sir, I was right up above there on Bird Creek.
Q Do you know anything about where the child has lived since its birth? A Yes, sir.
Q Where? A It stayed there at Mrs. Jackson's a good long while; then I think first one place and another.
Q Do you know where this child's mother has lived since the child was born? A There at Catoosa a good long while and then went to Coffeyville, I think.
Q Has the child lived with her? A No, sir.
Q Has the child ever lived outside of the Cherokee Nation to your knowledge? A Not that I know of.
Q But the mother has been living part of the time in Coffeyville, Kansas, has she? A I heard here lately that she has gone there, but I heard she gave the child to Mary Jackson; that is where I have seen it the most of the time.
Q When is the last time you saw the child? A I aint saw it for four or five months.
Q Who was it living with then? A With its daddy, Robert Foreman. It was at its daddy's house.
Q That in the Cherokee Nation? A Yes, sir.
Q What was its father's name? A Robert Foreman.

By Mr. Blue:
Q When did the mother of this boy go away from town there at Catoosa? A I couldn't tell you what time it was; I heard she was gone along about last fall, I reckon.
Q Up to the time you heard she had gone, where had you heard she had resided? A At Catoosa.
Q That in the Cherokee Nation? A Yes, sir.
Q All you know is someone said she had gone in the direction of Coffeyville? A Yes, sir.
Q Then you have no knowledge of her ever having resided out of the Cherokee Nation at any time? A No, sir.
Q How near did you live to her when this child was born? A I lived in 12 miles, I guess.
Q How near have you lived to where she resided since that time? A About 15 miles; I have been in the Creek Nation for two years.

Q Are you related to either Mr. Foreman or the mother of this child?
A No, sir.
Q How long have you known the father of this child? A I have known him a long time, ever since he was a boy.
Q How long have you known the mother of the child? A I got acquainted with Dennis Foreman-- Vann and have been knowing Foreman since that is when he moved to Catoosa; I don't know just how long.
Q During all the time that you have known the mother of this boy have you ever known her to reside out of the Cherokee Nation? A No, sir.

By Mr. Davenport:
Q You don't know where she resides now, do you? A No, sir, I just heard she was in Coffeyville.
Q Do you know? A No, sir.
Q You don't know where she lived three years ago, do you? A She lived at Catoosa, at Ben Vann's.
Q Was she living in Catoosa in 1901? A She was around in there.
Q You can answer yes or no. A Yes, sir, she was in Catoosa.
Q Where was she living in 1889? A She was around there in Catoosa somewheres.
Q In 1884 where was she living? A There in Catoosa.
Q In 1880 where was she living? A You are coming too------
Q How long have you known this woman? A I don't know just how long; she stayed with me some up on Bird Creek, along about a good while ago.
Q How long before this child was born did she stay with you on Bird Creek? A It was born when she stayed with me.
Q Has she ever stayed with you up there before the child was born?
A No, sir, she had ~~none when she stayed with me~~ another one when she stayed with me; I don't know whose it was.
Q It was born before she went to live with you? A Yes, sir, she came from Catoosa up home there and we got her to stay with us.
Q She had been living with Dennis Vann before that time? A Yes, sir, there is where I got acquainted with her.
Q Was that while Dennis was a widower or before? A Dennis had her mother.
Q She lived with Dennis while he was a widower, too? A Yes, sir.
Q Was that before or after this child was born? A She was there before and after, too.
Q She and Robert Foreman never lived together as man and wife, did they? A I don't know; not as I know of.
Q She had ample opportunity to have been out with other men as well as Robert Foreman while she was living there? A Of course.
Q You are not prepared to say she wasn't keeping company with other men? A No, sir.
Q How far were you living from this woman when the child was born?
A I lived in about 12 miles/ that is what they call it from Catoosa to Dawson.
Q Robert Foreman never raised the child when it was an infant?
A No, sir, I think she gave the child to Mary Jackson, that is where he stayed for a long time.
Q Robert was a married man for several years? A Yes, sir, he was a married man for several years.

By the commission:
Q How long did that child live with its mother after its birth?
A It lived with her till she weaned it and she gave it to Mary Jackson, and it run off and stayed with other parties and now it is with its daddy, I think.

By Mr. Davenport:
Q Do you know whether it is with its daddy of your own knowledge?
A He told me it was the last time I saw it it was.

Q When did you see it last? A About two or three months ago since I saw it there.

By the Commission:
Q Along about 1896, when that roll was made, did Robert Foreman have a wife? A I think so.
Q What was her name? A Cora, I think it was.
Q Did he have any children? A Yes, sir, he had children.
Q What were their names? A One was named Choate. It was a nick-name, I guess.
Q Did he have any child named Dennis, besides this one? A Not by this woman.
Q Well, any child in his family by the name of Dennis besides this child? A Not with that woman, Cora.
Q Did he have in his family any child by the name of Dennis other than the one we have been talking about? A No, sir, there wasn't but one Dennis.

By Mr. Davenport:
Q Did he have living with him in 1896 any Dennis Foreman? A No, sir.

o-o-o-oo-o-o-o-o-o-o-o-o-o-o-o

H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled case and that the ~~xxxx~~ above and foregoing is a true and correct transcript of his stenographic notes thereof.

H M Vance

Subscribed and sworn to before me this the 30th day of August, 1904.

Charles N. Sawyer

Notary Public.

1209

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
R-95.

Muskogee, Indian Territory, February 25, 1904.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of Robert Foreman for the enrollment of his minor child, Dennis Foreman, as a Cherokee freedman, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to the time and place of birth of the said Dennis Foreman and his residence since that time.

The said Robert Foreman has therefore this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Tuesday, April 5, 1904, and introduce testimony as above requested.

The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire.

Respectfully,

Commissioner in Charge.

COMMISSIONERS
TAMS BIXBY.
THOMAS B. NEEDLES.
R. BRECKINRIDGE.
WM. O. BEALL,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Muskogee, Indian Territory, August 31, 1904.

Hastings, Bell & Davenport,

Attorneys for the Cherokee Nation,

Vinita, Indian Territory.

Gentlemen:

There are herewith inclosed copies of supplemental testimony recently taken in the following cases:

Cherokee Freedmen R 95, Dennis Foreman,
Cherokee Freedmen D 1120, Adaline McGilbrey,
Cherokee Freedmen D 1055, Mariah Lewis, et al.

Respectfully,

Chairman.

Encl. V-50

COMMISSIONERS:
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.
WM. O. BEALL, Secretary.

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
R-95.

Muskogee, Indian Territory, November 23, 1904

Bell, Hastings & Davenport,
Attorneys for Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the testimony taken at Nowata, Indian Territory, on June 28, 1901, in the matter of the application for the enrollment of Fannie Goldsby as a Cherokee freedman by intermarriage, together with an order of the Commission, signed by Tams Bixby and dated November 22, 1904, making the same a part of the record in the matter of the application for the enrollment of Dennis Foreman as a Cherokee freedman.

Respectfully,

Encl. 1-1

Chairman.

FREEDMAN. 95

ENROLLMENT REFUSED.

Decision

IN THE MATTER OF THE APPLICATION OF

Dennis Freeman

FOR ENROLLMENT AS

CHEROKEE FREEDMEN

A. Original testimony May 29. 01

B Memo of application " . "

MAR 1 1905 [illegible] transferred to Cherokee Freedmen [illegible]

[illegible]

See Cherokee Freedmen Docket.

Mn. 911

Cher Fr R 96

Cher Fr R 96

Department of the Interior.
Commission to the Five Civilized Tribes.
Chelsea, I. T., May 29, 1901.

In the matter of the application of Lou Peters for the enrollment of herself and two children as Cherokee Freedmen; she being sworn and examined by Commissioner C. R. Breckinridge, testified as follows: Applicant applies as a Freedman by intermarriage.

Q What is your name? A Lou Peter .
Q How old are you? A 33.
Q What is your postoffice? A Tulsa.
Q In what district do you live? A Coweescoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A No sir, I want to enroll two children; Woodard's children.
Q You don't apply for yourself? A No sir.
Q What are you a Creek? A No sir, State woman.
Q When did you marry? A In '85.
Q Are you living with your husband? A No sir.
Q You better apply for your own enrollment, you may have a right? A No sir, I wasn't married according to Cherokee law.
Q I want your status along with your children? A Yes sir.
Q You want to apply then for yourself and two children? A Yes sir.
Q Give me the names of these two children? A Ella Woodard.
Q How old is Ella? A 14 years old.
Q And the name of the next child? A John Woodard.
Q How old is John? A 12 years old.
Q These children both living now? A Yes sir.
Q These are your own children, are they? A Yes sir.
Q Are they children by a former husband? A Yes sir, Jim. Woodard.
Q Give me the name of the father of these children. A James Woodard.
Q Is he alive? A No sir, he is dead.
Q When did James Woodard die? A About five years ago.
Q You were married to James Woodard? A Yes sir, but not lawfully, just by a preacher; we weren't married according to the laws; we didn't have no license.
Q Was James Woodard a Cherokee Freedman? A Yes sir.
Q When were you and he married by a preacher? A In '85, in December.
Q Did you live with him until he died? A No sir.
Q How long did you and he live together? A A little over five years.
Q And then you parted? A Yes sir.
Q Did you leave him or did he leave you? A I don't hardly know; I guess I left him.
Q Do you claim any right as a Cherokee Freedman of your own right? A No sir.
Q Did you ever get a divorce from James Woodard? A No sir.
Q Were you ever married before you married James Woodard? A No sir.
Q Was he ever married before he married you? A Yes sir.
Q How many times? A Once, I believe.
Q Was that wife dead when he married you? A Yes sir.
Q And you left him? A Yes sir.
Q Well did he make you leave him, or did you leave him of your own free choice and will? A I couldn't say.
Q You need to say because it effects the rights here - did he make you leave him? A I just left; I didn't think - he didn't treat me right.
Q Did he mistreat you? A I thought so.
Q Did he drive you away? A He didn't exactly drive me away; he told me I could go if I wanted to.
Q After you left Woodard you married again? A Yes sir.
Q You got no divorce from him? A No sir, we didn't get no divorce; we weren't married by no law.
Q Was it your husband Peters you married after you left Woodard? A Yes sir.
Q What is his name? A Jack Peters.

Q When did you marry Jack Peters? A We have been married six years.
Q You married along in '94? A Yes sir, I believe it was '94.
Q Are you living with him now? A Yes sir.
Q Is he a Cherokee Freedman? A No sir.
Q Give me the name of the father of James Woodrad? A I don't know his father's name.
Q Give me the name of his mother? A Susie Woodard.
Q Is she alive? A No sir, she is dead.
Q How long has she been dead? A She has been dead about 15 years.

The 1880 authenticated roll of the Freedmen of the Cherokee Nation examined and the name of the [illegible] of the applicant's children is found on page 605, No. 2237, James Woodard, Illinois District.
The 1896 census roll examined and the names of the applicants not found thereon.

Q Were these children enrolled on the last census roll in 1896?
A I don't know, I guess they were.
Q Did they draw Cherokee strip money? A Yes sir, they did.

The Kerns Clifton Roll examined and the name of the applicant's older child is found on page 33, No. 831, Elmira Woodward, Illinois District.

Q Was this child ever called Elmira? A Elnora.
Q But you call her Ella? A Yes sir.

The Kerns Clifton Roll examined for the younger child and his name is found on page 33, No. 822, John Woodward, Illinois District.

Q Is there some one here who knew you at the time you and James Woodard lived together, and who knows you now? A Yes sir, Charles Woodard.

Charles Woodard, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:
Q Give me your name? A Charles Woodard.
Q How old are you? A Born in '65.
Q What is your postoffice? A Dawson.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Are you the Charles Woodard who was enrolled just now ? A Yes sir.
Q You are the son of Susie Woodard? A Yes sir.
Q Do you know the applicat here, this woman? A Yes sir.
Q What is her name now? A Lou Peters.
Q Was she married before she married Peters? A No - She had my brother.
Q Wasn't she married to him by a preacher? A Yes sir.
Q What was his name? A James Woodard.
Q Was that the same James Woodard who is with you on the roll of 1880? A Yes sir.
Q Were you present when the preacher married this woman and your brother? A No sir.
Q How long did they live together as husband and wife? A I couldn't tell how long.
Q Some years was it? A Yes sir, some years.
Q And then they parted? A Yes sir.
Q Were there any children of that marriage, your brother's children?
A Yes sir, there were two.
Q Are they living now? A Yes sir.
Q What are their names? A Johnnie and Ella.
Q Where was this woman married by a preacher to your brother, James? A She was married in Coowescoowee District, down there at Tulsa, up on Bird Creek, I believe.

Q How long have you known this woman - did you know her long before she married your brother? A Yes sir.
Q Did you ever hear of her being married before? A No sir.
Q Was your brother ever married before the preacher married this woman to him? A Yes sir.
Q How many times was he married before he married this woman?
A Just once.
Q Was that wife dead when he married this woman? A Yes sir.

The applicant applies for the enrollment of herself and two children. It is shown that she was married by a minister to one James Woodard, say in December, 1885. She was never previously married; he had been married once before, but his former wife was dead when he married the applicant. She lived some five years with her husband, James Woodard, when they separated. The applicant states that she herself can have no right except through intermarriage, and that since she and her former husband, James Woodard separated she has married one Jack Peters, who is a non citizen. So while a lawful marriage seems to have been contracted between the applicant and her first and deceased husband, yet whatever right she may have possessed she has lost by marrying a non citizen, and perhaps also lost by leaving her first husband, and the application for her enrollment is rejected. As for the two children of that marriage, Ella and John Woodard, they are identified upon the Kerns Clifton Roll, and they are living now. They are shown to be the children of the applicant by her first husband, James Woodard, and James Woodard is duly identified on the roll of 1880. There is no doubt of the right of these children derived through the lawful marriage of their mother at the time to their father, and they will now be listed for enrollment as Cherokee Freedmen.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

E. V. Rothenberger

Subscribed and sworn to before me this 30th day of May, 1901.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAY 29 1901

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date May 29, 1901

Post Office Tulsa I.T.

District Coo

1. Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents: Rejected

Father ..... Citizenship .....

Mother ..... Citizenship .....

1 1. Name of wife Lou Peters Age 33

Owner's name ..... Citizenship .....

~~Year~~ ~~Page~~ ~~No.~~ ~~District~~

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

Names of Children:

3. ..... Year ..... Page ..... No. ..... Dist. .....

4. ..... Year ..... Page ..... No. ..... Dist. .....

5. ..... Year ..... Page ..... No. ..... Dist. .....

6. ..... Year ..... Page ..... No. ..... Dist. .....

7. ..... Year ..... Page ..... No. ..... Dist. .....

8. ..... Year ..... Page ..... No. ..... Dist. .....

9. ..... Year ..... Page ..... No. ..... Dist. .....

10. ..... Year ..... Page ..... No. ..... Dist. .....

11. ..... Year ..... Page ..... No. ..... Dist. .....

12. ..... Year ..... Page ..... No. ..... Dist. .....

Rejected

Application made by No. 1 Stenographer E. B. Rothenberger

91

X Ref.

Department of the Interior.

Commission to the Five Civilized Tribes.

In the matter of the application for enrollment of William Davis, et al., as citizens by intermarriage of the Cherokee Nation, consolidating the applications of:

William Davis,	Cherokee Freedmen D— 14,
Henry Thomas,	Cherokee Freedmen D— 58,
Ella Vann,	Cherokee Freedmen D— 70,
Mary Markham,	Cherokee Freedmen D—109,
Frances Melton,	Cherokee Freedmen D—110,
John Dotson,	Cherokee Freedmen D—111,
Mary Jane Vann,	Cherokee Freedmen D—115,
Thomas Lowe,	Cherokee Freedmen D—119,
Ella Mayfield,	Cherokee Freedmen D—124,
Sallie Rider,	Cherokee Freedmen D—147,
Reuben Campbell,	Cherokee Freedmen D—167,
Van Jackson Luther,	Cherokee Freedmen D—174,
Cassie Midleton,	Cherokee Freedmen D—178,
Mary Harlin,	Cherokee Freedmen D—179,
Nellie Fields,	Cherokee Freedmen D—183,
John Kimbo,	Cherokee Freedmen D—198,
William S. Madden,	Cherokee Freedmen D—199,
Jane Bean,	Cherokee Freedmen D—205,
Albert T. Thomas,	Cherokee Freedmen D—229,
Mary Campbell,	Cherokee Freedmen D—279,
Caroline Daniels,	Cherokee Freedmen D—282,
Melvina Afferty,	Cherokee Freedmen D—287,
Dave Morris,	Cherokee Freedmen D—288,
Alexander Claggett,	Cherokee Freedmen D—300,
Amanda Martin,	Cherokee Freedmen D—304,
Eliza Martin,	Cherokee Freedmen D—317,
John E. Barnes,	Cherokee Freedmen D—318,
Bell Davis,	Cherokee Freedmen D—335,
Samuel Brown,	Cherokee Freedmen D—345,
Howard F. Watson,	Cherokee Freedmen D—347,
Jack McConnell,	Cherokee Freedmen D—349,
Maude Manley,	Cherokee Freedmen D—350,

George Reed, Sr.,
Buck Ledman,
Bell Thompson,
Lewis Scott,
Abe Scott,
Kinder Langston,
Thomas E. Allen,
Lewis Vanderford,
John L. Bowlin,
Katie Davis,
Charles Williams,
John J. Rose,
Jane Martin,
Lena Peterson,
Alex Johnson,
Martha Vann,
John Scott,
Nancy Ross,
Charles C. Smith,
Susie Colbert,
William Skaggs,
Susie Johnson,
Alfred P. Hopkins,
Kissie Vann,
Freddie Looney,
Lucy Chouteau,
Alice Durant,
Mahaley Ward,
Fred D. Thomas,
Bettie Beck,
Ellis Watson,
Millie Robinson,
Mary Watson,
Frances Martin,
Mary Riley,
Emanuel Taylor,
Henry Sykes,
Lorkin B. Powell,
Stepney Drew,
Malinda Vann,
Eugene Johnson,
Annie Foster,
Mary H. Rogers,
George Washington Lane,
Jane Brown,

Cherokee Freedmen D—382,
Cherokee Freedmen D—406,
Cherokee Freedmen D—411,
Cherokee Freedmen D—420,
Cherokee Freedmen D—421,
Cherokee Freedmen D—426,
Cherokee Freedmen D—434,
Cherokee Freedmen D—436,
Cherokee Freedmen D—444,
Cherokee Freedmen D—455,
Cherokee Freedmen D—473,
Cherokee Freedmen D—474,
Cherokee Freedmen D—486,
Cherokee Freedmen D—490,
Cherokee Freedmen D—493,
Cherokee Freedmen D—495,
Cherokee Freedmen D—501,
Cherokee Freedmen D—513,
Cherokee Freedmen D—514,
Cherokee Freedmen D—520,
Cherokee Freedmen D—545,
Cherokee Freedmen D—546,
Cherokee Freedmen D—550,
Cherokee Freedmen D—552,
Cherokee Freedmen D—573,
Cherokee Freedmen D—584,
Cherokee Freedmen D—588,
Cherokee Freedmen D—606,
Cherokee Freedmen D—650,
Cherokee Freedmen D—665,
Cherokee Freedmen D—667,
Cherokee Freedmen D—674,
Cherokee Freedmen D—691,
Cherokee Freedmen D—692,
Cherokee Freedmen D—696,
Cherokee Freedmen D—699,
Cherokee Freedmen D—733,
Cherokee Freedmen D—735,
Cherokee Freedmen D—736,
Cherokee Freedmen D—741,
Cherokee Freedmen D—742,
Cherokee Freedmen D—743,
Cherokee Freedmen D—752,
Cherokee Freedmen D—759,
Cherokee Freedmen D—760,

Samuel Lu Young,	Cherokee Freedmen D—761,
John Beckner,	Cherokee Freedmen D—780,
Willis Cox,	Cherokee Freedmen D—781,
Leonard Bowles,	Cherokee Freedmen D—787,
Malinda Murrell,	Cherokee Freedmen D—788,
Charles Claggett,	Cherokee Freedmen D—789,
Samuel Irven,	Cherokee Freedmen D—798,
Mary Ross,	Cherokee Freedmen D—799,
Maggie Nave,	Cherokee Freedmen D—808,
Neoma Nave,	Cherokee Freedmen D—816,
Ella Ross,	Cherokee Freedmen D—840,
Elizabeth Duncan,	Cherokee Freedmen D—871,
Sadie Adams,	Cherokee Freedmen D—880,
Georgeann Archer,	Cherokee Freedmen D—901,
John Claggett,	Cherokee Freedmen D—912,
Hattie Smith,	Cherokee Freedmen D—923,
Jack Jackson,	Cherokee Freedmen D—938,
Lula Sanders,	Cherokee Freedmen D—973,
George Haselrig,	Cherokee Freedmen D—987,
Lizzie West,	Cherokee Freedmen D—990,
Maria French,	Cherokee Freedmen D—1010,
Mary Johnson,	Cherokee Freedmen D—1039,
Maggie Vann,	Cherokee Freedmen D—1062,
William Hudson,	Cherokee Freedmen D—1067,
Sarah Rogers,	Cherokee Freedmen D—1078,
Abraham Ballard,	Cherokee Freedmen D—1082,
Laura David,	Cherokee Freedmen D—1085,
John Deekman,	Cherokee Freedmen D—1105,
James B. Perry,	Cherokee Freedmen R— 39,
Isaac Welch,	Cherokee Freedmen R— 45,
Lawson Logan,	Cherokee Freedmen R— 48,
George Howell,	Cherokee Freedmen R— 56,
Henry Masir,	Cherokee Freedmen R— 72,
George Adams,	Cherokee Freedmen R— 82,
Annie Thomas,	Cherokee Freedmen R— 88,
Lewis McConnell,	Cherokee Freedmen R— 96,
Callie Vann,	Cherokee Freedmen R— 94,
Lon Peters,	Cherokee Freedmen R— 96,
Ida Adair,	Cherokee Freedmen R— 99,
Robert Brown,	Cherokee Freedmen R—100,
Allie Chambers,	Cherokee Freedmen R—102,
Isom Jones,	Cherokee Freedmen R—104,
Alice Gunter,	Cherokee Freedmen R—105,
Katie Adair,	Cherokee Freedmen R—106,
Carrie Martin,	Cherokee Freedmen R—107,

Benjamin Clark,	Cherokee Freedmen R.—109,
Emily Looney,	Cherokee Freedmen R.—110,
John Grover,	Cherokee Freedmen R.—112,
Matilda McNair,	Cherokee Freedmen R.—117,
Bettie Vann,	Cherokee Freedmen R.—122,
Nelson Lott,	Cherokee Freedmen R.—125,
Fannie Rogers,	Cherokee Freedmen R.—129,
William Washington,	Cherokee Freedmen R.—131,
Squire Warren Owens,	Cherokee Freedmen R.—143,
Fannie Goldsby,	Cherokee Freedmen R.—144,
Susan Daniels,	Cherokee Freedmen R.—146,
Andersen Turk,	Cherokee Freedmen R.—148,
David Lane,	Cherokee Freedmen R.—155,
Felix McClain,	Cherokee Freedmen R.—165,
Henderson Jones,	Cherokee Freedmen R.—172,
Belle Vann,	Cherokee Freedmen R.—181,
Levi Stroud,	Cherokee Freedmen R.—196,
John Sampter,	Cherokee Freedmen R.—311,
Mariah Thompson,	Cherokee Freedmen R.—330,
Ellen Sheppard,	Cherokee Freedmen R.—337,
Lulu Melton,	Cherokee Freedmen R.—347.

DECISION.

It appears from the record herein that applications for enrollment as Cherokee citizens by intermarriage, were made to the Commission by William Davis for himself; by Emma Thomas for her husband, Henry Thomas; by Jim Vann for his wife, Ella Vann; by Sig Markham for his wife, Mary Markham; by Nathan Melton for his wife, Frances Melton; by Mary Dotson for her husband, John Dotson; by George W. Vann for his wife, Mary Jane Vann; by Thomas Lowe for himself; by Thomas Mayfield for his wife, Ella Mayfield; by James Rider for his wife, Sallie Rider; by Reuben Campbell for himself; by Van Jackson Luther for himself; by Tobe Midleton for his wife, Cherie Midleton; by Thomas Harlin for his wife, Mary Harlin; by John Fields for his wife, Nellie Fields; by John Kimbo for himself; by William R. Madden for himself; by Tobias Bean for his wife, Jane Bean; by Etta Thomas for her husband, Albert P. Thomas; by James Campbell for his wife, Mary Campbell; by Frank Daniels for his wife, Caroline Daniels; by Jim Alberty for his daughter-in-law, Melvina Alberty; by Sarah Morris for her husband, Dave Morris; by Jane Claggett for her husband, Alexander Claggett; by Payton Martin for his wife, Amanda Martin; by Charles Martin for his wife, Eliza Martin; by John E. Barnes for himself; by Joe Davis for his wife, Bell Davis; by Ellen Brown for her husband, Samuel Brown; by Mary Abd Watson for her husband, Howard P. Watson; by Jack McConnell for himself; by Maude Manley for herself; by George Reed, Sr., for himself; by Buck Ledman for himself; by Bell Thompson for herself; by Lewis Scott for himself; by Abe Scott for

himself; by Kendel Lampton for himself; by Thomas E. Allen for himself; by Lewis Vanderford for himself; by Elizabeth Bowlin for her husband, John L. Bowlin; by John D. Davis for his wife, Katie Davis; by Charles Williams for himself; by John J. Rose for himself; by David Martin for his wife, Jane Martin; by Fred Peterson for his wife, Lena Peterson; by Mariah Johnson for her husband, Alen Johnson; by Joseph Vann for his wife, Martha Vann; by John Scott for himself; by Steve Looney for Nancy Ross; by Charles C. Smith for himself; by James Colbert for his wife, Susie Colbert; by Rosanna Skaggs for her husband, William Skaggs; by Susie Johnson for herself; by Alfred P. Hopkins for himself; by Charles Vann for his wife, Kizzie Vann; by Jake Looney for his wife, Freddie Looney; by Lucy Chouteau for herself; by Alice Durant for herself; by Alonzo Ward for his wife, Mahaley Ward; by Fred D. Thomas for himself; by Benjamin Beck for his wife, Bettie Beck; by Ellis Warren for himself; by William Henry Robinson for his wife, Millie Robinson; by Josh Webber for his wife, Mary Webber; by Otto Martin for his wife, Frances Martin; by Ed Riley for his wife, Mary Riley; by Emanuel Taylor for himself; by Henry Sykes for himself; by Larkin P. Powell for himself; by Stepney Dawn for himself; by Ellis Vann for his wife, Malinda Vann; by David Johnson for his wife, Frances Johnson; by Phillip Foster for his wife, Annie Foster; by Houston Rogers, Jr., for his wife, Mary H. Rogers; by George Washington Lane for himself; by Silas Hammer Brown for his wife, Jane Brown; by Samuel L. Young for himself; by Lizzie Buckner for her husband, John Buckner; by Sarah Cox for her husband, Willis Cox; by Susan Bowles for her husband, Leonard Bowles; by Henry Murrell for his wife, Malinda Murrell; by Charles Claggett for himself; by Samuel Irven for himself; by David Ross for his wife, Mary Ross; by George F. Nave for his wife, Maggie Nave; by Lewis Amantead Nave for his wife, Neoma Nave; by Perry Ross for his wife, Ella Ross; by Elizabeth Duncan for herself; by Perry Adams for his wife, Sadie Adams; by Thomas Archer for his wife, Georgeann Archer; by Nancy Claggett for her husband, John Claggett; by Sonny Smith for his wife, Hattie Smith; by Jack Jackson for himself; by John Sanders for his wife, Lula Sanders; by Mary Hazelrig for her husband, George Hazelrig; by George West for his wife, Lizzie West; by Maria French for herself; by Mary Johnson for herself; by Maggie Vann for herself; by William Hudson for himself; by Sarah Rogers for herself; by Abraham Ballard for himself; by King David for his wife, Laura David; by John Deckman for himself; by Jamie B. Perry for himself; by Isaac Welch for himself; by Nancy Logan for her husband, Lawson Logan; by Maria Howell for her husband, George Howell; by Amanda Masir for her husband, Henry Masir; by Katie Adams for her husband, George Adams; by Willie Thomas for his wife, Annie Thomas; by Lewis McConnell for himself; by Josh Vann for his wife, Callie Vann; by Lou Peters for herself; by Robert Adair for his wife, Ida Adair; by Josie Brown for her husband, Robert Brown; by Mat Chambers for his wife, Allie Chambers; by Rachel Jones for her husband, Leon Jones; by Lewis Gunter for his wife, Alice Gunter; by Amos Adair for his wife, Katie Adair; by William H. Martin for his wife, Carrie Martin; by Benjamin Clark for himself; by Emily Looney for herself; by Mary Grimes for her husband, John Grimes; by Ellen McNair for his wife, Matilda McNair; by Bettie Vann for herself; by Nelson Lott for himself; by Allen Rogers for his wife, Fannie Rogers; by William Washington for himself; by Squire Warren Owens for himself; by Fannie Goldsby for herself; by Charles Daniels for his wife, Susan Daniels; by Rachel Turk for her husband, Anderson Turk; by David Lund for himself; by Felix McClain for himself; by Henderson Jones for himself; by Isaac Vann for his wife, Belle Vann; by Maggie Stroud for her husband, Levi Stroud; by John Sumpter for himself; by Mariah Thompson for herself; by Ellen Sheppard for herself; and by Lula Melton for herself, claiming their right thereto by virtue of their marriage to Freedmen Cherokee citizens.

The record further shows that none of the applicants herein make any claim to enrollment as citizens of the Cherokee Nation other than as set forth above.

It further appears from the record herein that at the time applications were made for the enrollment of the above named applicants, application was also made for the enrollment of other applicants as Cherokee Freedmen, but said applications being differently classified are not included in this decision.

It does not appear that any of the applicants herein are identified upon the 1880 Authenticated Cherokee Roll, nor does it appear that any of said applicants has ever been admitted to Cherokee citizenship by a duly constituted court or committee of the Cherokee Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321).

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Lemuel Welcome, (I. T. D. 5848-1904, 11,776-1904), the applications made for the enrollment of William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Midleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Melinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Haselrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Peaty, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington,

Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by intermarriage, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[SIGNED] TAMS BIXBY,
Chairman.

[SIGNED] T. B. NEEDLES,
Commissioner.

[SIGNED] C. R. BRECKINRIDGE,
Commissioner.

MUSKOGEE, INDIAN TERRITORY, JANUARY 19, 1905.

COPY.

Cherokee Freedmen

R-96.

Muskogee, Indian Territory, January 24, 1905.

Lou Peters,

Tulsa, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED: Tams Bixby.
Chairman.

Incl. 3-62.
Register.

COPY.

Cherokee Freedmen
D-14 et al.

Muskogee, Indian Territory, January 24, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Emily Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Midleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Elsemore Chaggert, Amanda Hawkins, Eliza Martin, John E. Barnes, Bell Lewis, Samuel Brown, Howard F. Watson, Jack McConnell, Minnie Tinsley, George Reed, Sr., Buck Ledoux, Bell Thompson, Lewis Dodd, Ann Scott, Stanley Langston, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Bowlin, Charles Williams, John J. Rose, Jane Bowles, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Vann, Charles H. Smith, Susie Gelbert, William Skaggs, Susie Johnson, Alfred F. Hopkins, Minnie Vann, Irredia Looney, Lucy

Chouteau, Alice Durant, Pahaley Ward, Fred D. Thomas, Bettie Peak, Ellis Warren, Willie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stephen [illegible], Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Harrell, Charles Chappell, Samuel Irven, Mary Ross, Maggie Pare, Emma Rane, Ella Rice, Elizabeth Duncan, Sadie Mann, Georgeann Archer, John Chappell, Hattie Smith, Jack Jackson, Lula Sanders, George Kendrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Watson, Sarah Rogers, Ephraim Hallard, Laura Davis, John Jackson, Jenny B. Perry, Lucas Welch, Lawson Logan, George Powell, Henry Miller, George Adams, Annie Thomas, Lewis McDonald, Hallie Owen, Lee Peters, Ida Adair, Robert Brown, Alice Chambers, Lena Owen, Alice Gunter, Katie Autry, Cherie Martin, Benjamin Glover, Sally Looney, Jane Groves, Matilda Hoffair, Bryan Vann, Walter Lane, Fannie Rogers, William Washington, Squire Parrel Owens, Fannie Goldsby, Susan Daniels, Ambrose Park, David Lane, Willie Hallard, Henderson Jones, Belle Vann, Lyd Stroud, John Sampson, Charles Thompson, Miles Sheppard and Lula Hilton, as Cherokee citizens by intermarriage.

The petition, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The roles of the

Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED). James Bixby.
Chairman.

Incl. K-9.

COPY.

Cherokee Freedmen
3-14 et al.

Muskogee, Indian Territory, January 24, 1906.

The Honorable

The Secretary of the Interior,

Sir:

There is herewith transmitted record of proceedings had in the matter of the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Watson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Hardin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Nell Davis, Samuel Brown, Howard F. Watson, Jack McCornell, Minda Manley, George Reed, Sr., Buck Lessman, Bill Thompson, Lewis Scott, Joe Guest, Kendal Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charley Williams, John J. Rowe, John Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Rose, Charles G. Smith, Susie Gilbert, William Rogers, Susie Johnson, Alfred P. Hopkins, Minnie Vann, Freddie Lacey, Lucy Chesteen, Chloe Durant, Hensley Ward, Fred D. Thomas, Bettie Rook, Ellis Warren, Millie Robinson, Mary Webber,

Frances Martin, Mary Riley, [redacted] Taylor, [redacted], Lucian P. Powell, Stepney Dawn, Malinda Vann, [redacted] Johnson, [redacted] Foster, Mary E. Rogers, George Washington Lane, [redacted], [redacted] L. Young, John Buckner, Willis Cox, Leonard Bowles, [redacted], [redacted] Claggett, Samuel Irven, Mary Ross, Maggie Nave, Norma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John [redacted], James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Hazir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lee Peters, Ida Adair, Robert Brown, Ellis Chambers, Isaac Johns, Miles Gardner, Katie Adair, Carrie Martin, Benjamin Clark, Emily Lemay, John Groves, Matilda McNair, Hettie Vann, Minnie Lett, Fannie Rogers, William Washington, Squire Warren Owens, [redacted], [redacted] Daniels, Anderson York, David Lane, [redacted], [redacted] Jones, Belle Vann, Levi Strong, [redacted], [redacted], Miles Sheppard and Lula Holden, as Cherokee citizens by [redacted] marriage, involving the Commission's decision dated [redacted], 1906, rejecting said applications.

Respectfully,

Tams Bixby.
[redacted].

Inc. K-8.

Through the
Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, March 20, 1906.

Refer in reply
to the following:
Land.
9908-1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 24, 1906, transmitting the record of the application for enrollment as Cherokee citizens by intermarriage to Cherokee freedmen by William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbs, William H. Madden, Jane Dean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Taggett, Amanda Martin, Eliza Martin, John H. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Nancie Manley, George Reed, Sr., Hank Lehman, Bell Thompson, Louis Scott, Mac Scott, Vander Lampton, Thomas B. Allen, Lewis Vanderford, John L. Bowlin, Nellie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, Jesse Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Brooks, Susie Johnson, Alfred P. Hopkins, Minnie Vann, Freddie Looney, Lucy Chambers, Alice Durant,

Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dunn, Malinda Vann, Frances Johnson, Annie Foster, Mary M. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Rowe, Neoma Rowe, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Mattie Smith, Jack Jackson, Lula Sanders, George Mansolrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Watson, Sarah Rogers, Abraham Ballard, Laura David, John Buckner, James B. Perry, Isaac Welch, Lawson Logan, George Nowell, Henry Nasir, George Sims, Annie Thomas, Lewis McConnell, Callie Vann, Lee Peters, Ida Mair, Robert Brown, Allie Chambers, Isam Jones, Alice Gunter, Katie Mair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lott, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson James, Belle Vann, Levi Stroud, John Sumpter, Marish Thompson, Ellen Sheppard, and Lula Walters.

February 19, 1906, the Commission decided adversely to all the applicants.

The record shows that none of the applicants makes claim to enrollment as citizens of the Cherokee Nation, except by intermarriage with a Cherokee freedman; that none has ever been enrolled or admitted to citizenship by any tribal authority of the

Cherokee Nation or by any United States tribunal and that name is identified on the 1880 authenticated Cherokee roll.

In view of the record and of the ruling of the Department of November 18, 1904 (I. T. D. 5048-1904) in the Lemmel Welsome case, the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

S. F. Larrabee,

Acting Commissioner.

W.M.M.
W.

(C O P Y)

W.C.F,
F. H. E.

D. C. 20877-1905.
I.T . D. 2904-1905

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

April 17, 1905

L R S

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

January 24, 1905, you transmitted the record in the matter of the applications for the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation, including your decision of January 19, 1905, rejecting said applications, viz:

William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Midleton, Mary Marlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dav e Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr. , Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jake Martin, Lena Peterson, Alex Johnson, Martha Vann,

John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary E. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Beckman, James B. Berry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lott, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton.

-3-

Reporting in the matter March 21, 1905, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) THOS. RYAN
Acting Secretary

1 inclosure.

COPY.

Cherokee Freedmen

R-96.

Muskogee, Indian Territory, April 28, 1905.

Lou Peters,

Tulsa, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

COPY.

Cherokee Freedmen

D-14, et al.

Muskogee, Indian Territory, April 28, 1905

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

SIGNED. Tams Bixby

Chairman.

COPY.

Cherokee Freedmen

D-16, et al.

Muskogee, Indian Territory, April 26, 1906.

Commissioner in Charge,

Cherokee Land Office,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 18, 1906, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1906.

[redacted]

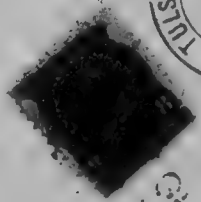
(SIGNED). Tams Bixby.
Chairman.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.









399
4 0 2

MAR 6 1905

REGISTERED
JAN 21 1905
MUSKOGEE, IND. TER.

Lou Peters,

UNCLAIMED

Tulsa, ~~Indian Territory.~~

CHEROKEE FREEDMAN. 96

ENROLLMENT REFUSED.

Decision

IN THE MATTER OF THE APPLICATION OF

Lou Peters

FOR ENROLLMENT AS

CHEROKEE FREEDMEN

Original Testimony May 29. 01

Mem of application " "

5

Copy of Testimony, this date

" "

See Cherokee Freedmen Docket

No. 914

Cher Fr R 97

Cher Fr R 97

REJECTED, as to Grandchild, Elmer Lynch:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHELSEA, I.T., MAY 30th, 1901.

In the matter of the application of Peggie Francis for the enrollment of herself and one grand-child as Cherokee Freedmen; said Francis being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your name? A Peggie Melton.
Q How old are you? A 43.
Q What is your post office? A Coffeyville, Kansas.
Q In what district do you live? A Cooweescoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you want to apply for anybody besides yourself? A Yes, sir.
Q Who? A Three children.
Q Have you a husband you want to apply for? A My husband is dead.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Give me the name of your father? A Henry Melton.
Q Is he dead? A No, sir.
Q Give me the name of your mother? A Hannah Melton.
Q Is she dead? A Yes, sir.
Q How long has she been dead? A I don't know, sir, how long she has been dead.
Q Well, about how long, five or six years, ten years? A Ithas been about five years.
Q Give me tha names of your children A George Melton.
Q How old is that child? A 26.
Q well, he will have to apply for himself. he is of age.
A Yes, sir.
Q Give me the name of the next child? A Henry Melton.
Q How old is he? A 23.
Q Well, he will have to apply for himself, he is of age. A Yes, sir.
Q Give me the name of the next child? A Elmer Melton.
Q How old is Elmer? A Nine years old.
Q Well, your name has been Melton all the time? A No, sir, that is the way I enroll.
Q What is your present name A Francis.
Q Peggie Francis? A Yes, sir.
Q And your father was a Melton? A Yes, sir, and I gie my children Melton.
Q This child is Elmer Francis? A No, sir, this is my grandchild.
Q This child then is named Elmer Melton, that is its real name?
A No, sir, its real name is Elmer Lynch.
Q Well now, give me the name of the father of this child?
A George Lynch.
Q Now, is George Lynch alive? A Yes, sir.
Q Is he a Cherokee Freedman? A Yes, sir.
Q Give me the name of the mother of this child? A Caroline Francis.
Q Is she dead? A I don't know where she is.
Q She has gone and the child left on your hands, is that it?
A She give the child to me.
Q How old is George Lynch? A 25.
Q How old is Carolina Francis if she is alive? A About 23
Q You don't know where she is? A No, sir.
Q Were she and George Lynch ever regularly married? A No, sir.
Q So this child whatever its rights may be is through his mother, Caroline? A Yes sir, she is a full blood woman.
Q Was Caroline your child? A No, sir, step-daughter.
Q Caroline was a duaghter of your husband by another wife?
A Yes, sir.
Q Now, what was your husband's name? A Richard Francis.
Q He was a state-man? A Yes, sir.
Q He is dead is he? A Yes, sir.
Q How long has he been dead? A Seven years.

Q C He never got out a Cherokee license when he marriedyou?
A Yes, sir.
Q Where is it? A I reckon it is at home.
Q When were you and he married, how long ago? A Been married about 15 years I reckon.
Q And before you married him was your name Melton? A I was a Carter.
Q You had a husband named Carter? A Yes, sir.
Q What was his name? A John Carter.
Q Was he a State-man of Cherokee freedman? A He was a Cherokee Freedman.
Q Is he dead? A No sir.
Q You and he parted did you? A Yes, sir.
Q Before you were a Carter then you were a Melton were you?
A Yes, sir.
Q What kin is George to you? A George Lynch is my son.
Q Well have you everhad any other children by the name of Lynch?
A No, sir.
Q Just this one? A Just one Lynch.
Q And then you have a grown up child named George Melton?
A That is the same child.
Q Same one you call George Lynch? A Yes, sir.
Q And then you have a child you call Henry Melton grown up?
A Yes, sir.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and applicant's name not found thereon.
The 1896 Census Roll of Freedmen of the Cherokee Nation examined and names of applicants not found thereon.

Q Did you draw Cherokee strip money? A No, sir.

The Wallace Roll of Freedmen of the Cherokee Nation examined and names of applicant found thereon as follows:
Page 124, #2617, Peggy Melton, Coowee coowee District.
Page 124, #2618, George Melton, Cooweescoowee District.

Q Now, this child Elmer Melton, or Elmer Lynch, you never drew any money for that child? A No, sir.
Q And he is not on any roll? A We thought he was enrolled.
Q When, when you drew money? A Yes, sir.
Q Is that the only time you tried to enroll him? A No, sir.
Q When did you try to enroll him? A About 12 or 13 years ago.
Q He is not that old? A Well he was about five or six months old when the census was taken.

The Kerns-Clifton Roll of Freedmen ofthe Cherokee Nation examined and name of Elmer Lynch not found thereon.
The 1896 census Roll of Freedmen of the Cherokee Nation examined and name of Elmer Lynch not found thereon.

Q Was your mother you say a Cherokee Freedman? A Yes, sir, they took her down south and she died down there.
Q Now, your father is he a Cherokee Freedman? A Yes, sir.
Q Where is your father now? A He is out here.

HENRY MELTON, being sworn and examined by Commissioner C. R. Breckinridge, testified asfollows:

Q Give your name? A Henry Melton.
Q How old are you? A About 36 years old.
Q Where are you living now? A Living in Cooweescoowee District.
Q What is the name of your present wife? A Minta.
Q She is a Cherokee Freedman isn't she? A Yes, sir.
Q What is your post office now? A Coffeyville, Kansas.
Q You were enrolled here a day or two ago were not you?
A Yes, sir.

Q With your wife and two children? A Steve and Sallie.
Q How old is Sallie? A I said she was about 40.
Q Is she a crazy child? A Yes, sir.
Q And Steve is Crazy? A Yes, sir.
Q Do you know this applic nt here? A Yes, sir.
Q What is her name now A Peggie Francis.
Q What was her mother's name? A She was named Hannah.
Q She is dead is she? A She went south; the last report we heard of her, she wrote it and on the point of death.
Q She is supposed to be dead now? A Yes, sir.
Q This woman, Hannah, was your wife once was she? A Yes, sir; that is the first woman I ever had.
Q When was it you and this woman Hannah married? A In slave times.
Q Whom was it Hannah belonged to? A Lewis Melton.
Q He was a Cherokee citizen was he? A Yes, sir.
Q Was she a slave in the Cherokee Nation when the war began? A Yes, sir.
Q Where were you taken during the war? A They took her south and I took myself noth.
Q well at the time your wife, Hannah, was taken south was this child born, this child Peggie here? A Yes, sir.
Q Did she go south with her mother? A Yes, went with her mother.
Q well how long have you and Hannah parted, was it before you married again? A I carried a woman along with me; just went on north and she was born.
Q Henry, that lookedlike you sorter ran off? A well, I run back I was running north.
Q Well, your wife, Hannah, has been down in Texas e ver since? A Yes, sir.
Q When they took her down there they took this child with her? A Yes, sir, took her right along with her.
Q What do you know of this child's coming back? A I went to get her to Polly Vann's, down this side of Fort Gibson.
Q Who brought this child back from Texas? A My uncle, uncle Bill Melton.
Q Now when did your uncle Bill bring this child back? A I don't know what time he brought her back, but I went to get her in '66.
Q Where did you find her? A Down to Polly Vann's, down five miles this side of Gibson.
Q You went there in 1866? A Yes, sir.
Q Did you find this child there? A Yes, sir, brought 'em home.
Q Who all came with her at the time she was brought back? A I don't know, sir, I lives up on Pryor Creek.
Q All you know you heard that child was down there? A Yes, sir, her mother sent them for me.
Q She didn't send for you to come down there any more? A No, sir; no use.
Q Well, where has this child been living ever since that? A Been living with me to the time until she married.
Q Who was it she married then? A John Carter.
Q Was he a Cherokee Freedman? A Yes, sir.
Q well, he is alive isn't he? A yes, sir.
Q And then she parted from Carter and married somebody else? A Married Mr. Francis.
Q And when did she marry this man Francis? A well, sir, I can't tell nothing about it.
Q You knew of her having marriedFrancis? A Yes, sir.
Q And she goes now by the name of Peggie Francis? A Peggie Francis.
Q Well has she lived in the Cherokee Nation ever since you saw her when back as a baby sent back to you in 1866? A Yes, sir, lived right here with me.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and name of applicant's father found thereon, page 140, #1905, Henry Melton, Cooweescoowee District.

Q Now, were you the first husband that our wife, Hannah, ever had?
A Yes, sir.

PEGGIE FRANCIS, the Applicant, re-called:

Q Do you remember when you were brough back from Texas?
A No, sir, I don't.
Q Where is the first place you can remember?
A I remember Fort Gibson.
Q That is the first plade you have any redollection of?
A Yes, sir.
Q Well, who brought you up all through your childhood?
A My uncle and mammy.
Q Give me their names? A Bill Melton my my uncle's name.
Q Well he and his wife brought you up? A My mammy.
Q But your mother you left her? A Oh, when I come back?
Q Yes. (No response.)
Q Well, how long did you live with William Melton? A I was with him all the time the war was going on.
Q Your father says he brought you back? A Yes, sir, he brought me back from the south.
Q Who did you live with? A Edmond Vann come and got us first and sent to my father and my father come and got us.
Q Well, then did you live with your father? A Yes, sir after that.
Q You were still a child? A Yes, sir.
Q That was a short time after the war? A Yes, sir.

HENRY MELTON, re-called, further testified:

Q Where was your child when you got her? A Polly Vann's.
Q Why isn't this child on the roll of 1880? A When they come around to enroll, they, Dick Duck and John Hicks, they didn't find her.
Q The child was living then with you? She was married and they come to my house and enrolled me and I told them where they would find my children, one of mine was off washing when they come there.
Q Did the people go around to the census taker of did the census taker go to the people. A The census taker come to the people.
Q They didn't have one place like they do now and the people all come to them? A They just went to our houses and picked us up.
Q Has this child of yours got a child by George Lynch?
A Yes, sir.
Q Sometimes call him George Melton? A George Lynch
Q This is this woman's own child? A Own child.

BY W. W. HASTINGS:

Q Henry, where did you first stay after you came back after the war? A Down yonder on Pryor Creek.
Q How far from where Pryor Creek Station now is? A Chouteau?
Q Well, Chouteau, how far from Chouteau? A I call it six miles.
Q What direction from Chouteau? A Up north, northeast.
Q There is where you came first was it? A Yes, sir.
Q Now, who was living in that neighborhood when you come there?
A Bill Sunday and a Tickeater and John Grass.
Q That is the same John Grass who lives near Chelsea? A Yes, sir
Q He was living near you? A Yes, sir.
Q Now, what time in the year wasit you come there? A In April.
Q You made a crop there then that year, 1866? A Yes, sir, made a crop on Mrs. Harlin's place.

Q Well now, how many crops had you made there when you heard about this girl being at Fort Gibson? A I made nary crop, I went and got her.
Q How long had you been there? A I went and got her in the spring.
Q Was it the next spring after you come? A No, sir; the same spring I come/
Q How long had you been there at that place when you went to get her? A I had been there long enough to plant my corn and plow it over.
Q And then you went and got her? A Yes, sir, she was down to Polly Vann's place and I took my ox wagon and went and got her.
Q What was Polly Vann's husband's name? A I don't know nothing about her husband; they always called it Polly Vann's place.
Q Did Polly Vann have any children of her own? A I don't know; I lived I guess maybe a mile from Gibson and I just heard of my children and went after them and when I went there they said it was Poll Vann's old place.
Q Didn't you see Polly Vann when you went? A I don't know if I did; I don't know nothing about her, I never seen her, I don't know her.
Q Didn't you see anybody there when you were there after your daughter? A I seen Ed Vann there.
Q Edmond Vann? A Yes, sir, I seen him there.
Q Is he alive? A Yes, sir.
Q Where ishe? A He is right here, he can tell who all was there.
Q And then you brought herup there and she lived with you until she married? A Yes, sir.
Q Is that the way of it? A Yes, sir.
Q About how old was she then? A Oh, she was just a small girl, she must have been about ten or 12 years old, maybe not that old.
Q Did she apply for Cherokee Strip money five years ago?
A I guess I applied for her.
Q I mean when the Kerns-Clifton Commission was around here, did you apply for it yourself? A Yes, sir.
Q Did you apply or she? A She applied, they would not put her on the roll, we thought she was on there, but she was not at the time they come to pay the money out.
Q Were you a witness for her then? A Yes, sir.
Q Was it you say about five milesfrom Fort Gibson that you found her, or in Fort Gibson? A About five miles from Fort Gibson, at Polly Vann's old place.
Q Where is that from this end of Illinois, on this side of the river? A You might call it kinda west and kinda north from Fort Gibson, Polly Vann's old place.
Q Do you know who lives there now? A No, sir, I lives so far from there.
Q Never been back there? A No, sir.
Q Was it on this side of Grand river? A Between Grand river and Verdigris.

EDMOND VANN, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give your name? A Edmond Vann.
Q How old are you? A 56.
Q What is your post office? A Lenapah.
Q How long have you lived in the Cherokee Nation? A I was raised in the Cherokee Nation.
Q Were you out during the war? A Yes, sir.
Q Where did you go? A I went South.
Q Did you go to Texas? A I went to the Chickasaw Nation.
Q What time did you come back to the Cherokee Nation after the war? A I come back in '65.
Q What time in '65? A Fall of '65.
Q Do you know this applicant here, Peggie Francis? A Yes, sir.

Q Whose child is she? A Henry Melton's.
Q Did you know her mother? A Yes, sir.
Q What was her name? A Her name was Hannah.
Q Were they slaves in the Cherokee Nation at the time the war broke out? A I guess so.
Q You don't know that of your own knowledge? A No, sir, I don't. I didn't see her here in the Cherokee Nation, I saw her south.
Q Where did you see her? A At Boggy Depot.
Q In the Chickasaw Nation? A Yes, sir.
Q When was that? A Along in '64, I think; If I am not mistaken.
Q Who was she with? A I don't know, I was there to see my wife and I met this woman.
Q How far is that from the Texas line? A They called it 60 miles from the Red river.
Q What was this woman's mother, Hannah, doing there at that time?
A I don't know, I just met her.
Q What is your first recollection of meeting this woman?
A Well, I met her in '66.
Q Where did you meet her? A At Gibson.
Q Who had charge of her? A Uncle Billy Melton.
Q And then what became of her? A Billy Melton send word for me to come and get these two girls and fetch them up five miles this side of Gibson and send them to her father.
Q Why did he sent you this word? A Because he was an old man and could not take care of them.
Q Were you any kin to them? A My wife was.
Q What kin was your wife? A Cousins.
Q What place were you living on then? A On the Polly Vann place.
Q Did you send word to this woman's father to come and get her?
A Yes, sir.
Q How long was it after that before he came? A I don't remember.
Q Was it shortly or long? A I can't tell you to tell the truth.
Q Do you remember an thing about the father coming after her?
A Yes, sir, but I can't give what time It was; I know he come and got them.
Q Did you see him? A Yes, sir.
Q Who was Polly Vann, was she a white woman or colored woman?
A She was a Cherokee woman.
Q Did you belong to any of the Vanns? A I belonged to her.
Q How long did Henry Melton stay at the place when he came down there and got the child? A I can't tell you that.
Q Do you remember anything about the meeting you had with him at that time? A I know he come there; I can't tell anything about it more than he come and got the children.
Q That is all you remember? A Yes, sir.
Q Where have you lived since that time? A I have lived at Tahlequah.
Q All the time in the Cherokee Nation? A All the time in the Cherokee Nation.
Q Are you on the roll of 1880? A Yes, sir.
Q Were there any other of Henry Melton's children with you at that time? A Two of them, Ritter and Peggie.
Q Is Ritter dead or alive? A She is sitting right there.

BY W. W. HASTINGS:

Q Is his name Melton-Ritter? A Yes, sir, they call her Ritter Melton, Ritter Washington by marriage, but Melton was her father.
Q You don't remember what time in the year it was that you went to Fort Gibson and got them? A It was in '66.
Q I mean what time of the year? A I can't tell you that, it has been so long, If I had a chance to put it down I could remember it.
Q Why do you know it was in '66? A I knew it was '66, I remember '65 and '66.
Q You don't seem to remember anything about the circumstance except that you just went? (No response.)
Q You don't remember what time of the year? A No, sir.
Q You don't remember how long they stayed over there with you?
A I can't tell you it has been so long.

Q Did they stay with you a good while? A They stayed there until their father come and get them.
Q Who was living with you then? A My wife.
Q Polly Vann was a Cherokee? A Yes, sir.
Q Did she have any children? A Yes, sir.
Q What are their names? A Johnson Vann, Sallie Vann and William Vann and David Vann.
Q Any of them alive? A No, sir, all dead.
Q None of her relatives were living with her who are alive?
A Mrs. Vann hadn't come from the south yet, she was not on the place.
Q Wasn't any Cherokees living there? A Yes, sir, there was a Cherokee living there.
Q What was his name? A Mr. Rider Field.
Q Is he alive? A I don't know, I think he is dead.
Q Where was Billy Melton living when you went and and got this woman in the town of Fort Gibson? A In the town of Fort Gibson, Fort Gibson.
Q He is dead now? A Yes, sir.

COM'R BRECKINRIDGE:--The applicant applies for the enrollment of herself and one grand-child: The applicant is 43 years of age; she is identified on the Wallace roll, but not upon the roll of 1880 or upon that of 1896, or upon the Kerns-Clifton roll. Her father, Henry Martin, who testifies in the course of this application, is identified on the roll of 1880, and he has been listed for enrollment as a Cherokee Freedman on straight card #904. It appears from the testimony that the applicant's father and mother were marriedbefore the Civil War, and that neitherwas previously married, and that both of them were slaves of Cherokee citizens at the time of the breaking out of the war. The father went north and the mother of the applicant was taken south, where she continued to live until she died, presumably some five years ago. It further appears from the testimony that very soon after the close of the war, apparently the latter part of 1865 or the early part of 1866, the mother sent the applicant, then but a child, with one or two other children back to the Cherokee Nation to be taken care of by the applicant's father who, according to his own testimony, had taken up with another woman at the time he had gone north during the war. The father states that when the census taker in 1880 came to his house this child had married, and that he gave direction where her home could be found; but that it seems the census taker did not reach her home, and consequently she was not put upon the roll of 1880. It is claimed that they were enrolled on the Kerns-Clifton roll, but that when the time of the payment arrived their names were not found thereon. Under the conditions stated it is quite apparent that the applicant through her father and the fact of her own enslavement in the Cherokee Nation at the time of the war, and from the further apparent fact of her having been brought back to the Cherokee Nation prior to the enactment of the treaty of 1866; is entitled to the benefits of Cherokee Freedman under that Treaty. No reasonable doubt is entertained at this time and from the present testimony in regard to this being the rightful status of the applicant, but inasmuch as she is only identified upon one roll, she will now be listed for enrollment as a Cherokee Freedman on a doubtful card for the further consideration of the testimony given, and the final decision of the Commission will be made known to the applicant at her post office address.

Her grand-child for whom she applies is Elmer Lynch, said to be now nine years of age and the child of the applicant's son, George Lynch, by one Caroline Francis, a state woman. This child's father has not yet applied for enrollment; he is identified on the Wallace roll and he is presumably of the same status of his mother. The lawful marriage between this child's father and mother has not yet been clearly established. The applicant is desired to supply the Commission with a certificate of its birth, and the child will now be listed for enrollment as a Cherokee Freedman on a doubtful card to await further dicision in regard to the rights of its father and proof of marriage between its father and mother. The final decision of the Commission in regard to this child will be made known to the applicant, who states the child has been given to her, at her post office address.

SUPPLEMENTAL to the above Application:

PEGGIE FRANCIS, the Applicant, re-called:

Q Was your son, George Lynch, ever married before he married this woman, Caroline Francis? A No, sir.
Q He was not? A No, sir.
Q Do you know whether this woman, Caroline Francis, was ever married before she married your son, George? A No, sir.
Q How long did you know her before she and your son, George, were married? A I raised her.
Q You stated I believe that she was a state woman? A Yes, sir.
Q Did you see them when they married? A They was not married.
Q They were not married by a preacher? A No, sir.
Q How long did they live together as man and wife? A Didn't live together at all.
Q They didn't claim each other as husband and wife? A No, sir.
Q They never kept house together? A No, sir.

SUPPLEMENTAL JUDGMENT: It appears from the further testimony that the relations maintained between George Lynch, the father of this child, and Caroline Francis, the mother, were not those of lawful marriage and that they were never in any manner united or recognized as husband and wife, nor did either of them ever profess that relationship together; therefore, under these conditions this child's mother being a State woman, no right of enrollment is conferred upon the child, and the application for the enrollment of this child is amended and it will be listed for enrollment as a Cherokee Freedman on a rejected card.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Rosson

Subscribed and sworn to before me this 1st day of June, 1901.

Commissioner.

CHEROKEE FREEDMAN.

ENROLLMENT REFUSED.

CHEROKEE FREEDMAN.

IN THE MATTER OF THE APPLICATION OF

Elmer Lynch

FOR ENROLLMENT AS

CHEROKEE FREEDMEN.

N. Original testimony May 30. 1902

To. Mem. of application " "

Copy of testimony filed with Dawes

See Cherokee Freedmen Packet No. 8439

Cher Fr R 98

Cher Fr R 98

To be filed with the case of Henry Bean--REJECTED.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T. May, 31st 1901.

In the matter of the application of Alsea Bean for the enrolment of herself, her husband, six children and two grand children. She being sworn by Commissioner C. R. Brackinridge, testified as follows:

Q What is your name? A Alsea Bean.
Q How old are you? A. 44.
Q What is your post office address? A. Chelsea.
Q Do you live in Cooweescoowee district? A. Yes sir.
Q Do you want to be enrolled as a Cherokee Freedman? A. Yes sir.
Q Do you want to apply for anybody besides yourself? A. My children.
Q How many? A. Six.
Q Are they all under twenty-one years of age? A. One is near 24 years old.
Q You will have to leave that one out, and let it apply for itself. A She has fits, and can't come here at all.
Q Well you can apply for her then. Are the others under 21 years of age and un-married? A. Yes sir.
Q Is the daughter that has fits, unmarried? A. Yes sir.
Q Have you a husband? A. Yes sir.
Q Is he living? A. Yes sir.
Q Do you want to apply for him? A. I don't know as you will allow me to.
Q If he is entitled to we will not only allow it, but insist upon your doing it? A. Yes sir.
Q Well you apply for him then do you? A. Yes sir.
Q How long have you lived in the Cherokee Nation? A. Ever since '66.
Q Did you leave the Cherokee Nation when the war broke out? A. Yes sir
Q Where were you born? A. Born here.
Q Give me your father's name? A. Reuben Downing.
Q Is he dead? A. Yes sir he is dead.
Q How long has he been dead? A. 13 years, as near as I can come at it.
Q Give me your mother's name? A. Jennie Downing
Q Is your mother dead? A. Yes sir.
Q How long has she been dead? A. She died time of the war.
Q How many times have you been married? A. Twice.
Q Give me the name of the first husband you had? A. Henry Sidney.
Q Is he dead? A. Yes sir.
Q Was he a Cherokee Freedman? A. Yes sir.
Q How long has he been dead? A. He had been dead about 20 years.
Q Did you and he live together from the time you and he were married yntil he died? A. Yes sir.
Q How long had you and he been married when he died? A. 3 or 4 years.
Q After he died you married again did you? A. Yes sir.
Q Give me the name of your second husband? A. Henry Bean.
Q That is the husband you have now? A. Yes sir.
Q How long had your first husband been dead before you married this one?
Q Only about three years.
Q You and he then have been married 17 years or more? A. Yes sir.
Q Does Henry Bean claim to be a Cherokee Freedman in his own right? A. Yes sir.
Q Give me the name of Henry Bean's father? A. Jack Bean.
Q Is he alive? A. He is dead.
Q How long has he been dead? A. I dont know how long he has been dead.
Q Give me the name of his mother? A. Mary Bean.
Q Is she dead? A. No sir she is yet living.
Q Were you and Henry Bean married by a preacher? A. Yes sir.
Q Have you a certificate of marriage to him? A. No sir.
Q Give me the names of your children? A. Lucinda.
Q Is this the one that has fits? A. Yes sir.

Q What is her other name? A. She married a man by the name of Hill.
Q Does she still keep that name? A. Yes sir.
Q Is she a child of your first husband, Henry Sidney? A. Yes sir.
Q How old is Lucinda? A. 24.
Q She has no children has she? A. Yes sir she has two.
Q What are their names? A. The oldest one is called Alsea Hill.
Q How old is Alsea? A Five years old.
Q The next child? A. Isaac Hill.
Q How old is that child? A. A month old.
Q What is the name of her husband? A. Reuben Hill.
Q Is he dead? A. No sir he is living.
Q Is he living with your daughter? A. No sir they has parted.
Q When did they marry? A. 5 or 6 years back.
Q Is Reuben Hill a state man or a Cherokee Freedman? A. I dont think he is a Cherokee Freedman.
Q Give me the names of your other children? A. Dovie Bean.
Q How old is that child? A. She is 17.
Q The next child? A. Effie Bean.
Q How old is Effie? A She is 15.
Q The next child? .A. Ernest Bean.
Q How old is he? A. He is 9 years old.
Q Now the next child? A. Mary.
Q How old is Mary? A. She is 5 years old.
Q Now the next child? A. Viola.
Q How old is Viola? A. She is 2 years old.

Applicants not found on the roll of 1880.

Q How old is your husband Henry Bean? A. He is 50 some odd.

Applicants not found on the census roll of 1896.

Q Did you draw strip money? A. Yes sir.

The Kerns-Clifton roll of the Cherokee Nation examined and the applicants identified thereon as follows:
Page 136 No. 3388, Alsie Bean, Cooweescoowee district.
Page 136, No. 3389 Lucinda Bean, Cooweescoowee district.
Page 136 No. 3390, Dovey Bean, Cooweescoowee district.
Page 136 No. 3391, Effie Bean, Cooweescoowee district.
Page 136 No. 3392, Ernest Bean, Cooweescoowee district.

Q Did your husband draw Cherokee strip money? A. No sir.

Applicant's husband not identified on the Kerns-Clifton roll.

Applicant's grand-children not found on the Kerns Clifton roll.

Q Where is your husband? A. He is out there somewhere.
Q Who was it you and your people belonged to when the war broke out? A To Eliza Wright and my father belonged to the Downings.
Q Was Eliza Wright a Cherokee citizen? A Yes sir.
Q You were a slave yourself? A. Yes sir.
Q How comes it that you are not on the 1880 roll? A. I dont know. I just guess they didn't put me on; I applied to get on.
Q What reason did they give for not putting you on? A. None.
Q You applied to get on did you? A. Yes sir.
Q Where were you during the war? were you taken to Kansas? A Yes sir.
Q Who went with you? A. My father.
Q Where did he take your back there? A. Emmett, Kansas.
Q Do you remember Kansas very well? A. Yes sir.

The applicant's father found on the authenticated roll of 1880, thus: Page 245, No. 696, Reuben Downing, Delaware district.

The 1880 roll searched and the applicant's husband's father's and mother's names not found thereon.

Wallace roll of the Cherokee Nation examined and the applicant's husband found thereon as follows:
Page 104, No. 2210, Henry Bean, Goowoescoowee district.

HENRY BEAN, called and sworn as a witness for the applicant by Com'r Breckinridge, testified as follows:

Q What is your name? A. Henry Bean.
Q How old are you? A. Said to be 58.
Q Are you the husband of this woman here? A. Yes sir.
Q You and she are living together are you? A. Yes sir.
Q When were you and she married? A. About 18 years ago.
Q Have you and she lived together ever since you married? A. Yes sir.
Q And all the time in the Cherokee Nation? A. Yes sir.
Q Did you get out a Cherokee ~~Marriage~~ license when you married her? A. No sir.
Q Just married her by a preacher? A. Yes sir.
Q Were you a slave in the Cherokee Nation when the war broke out? A Yes sir.
Q To whom did you belong? A. Uncle Washington Adair.
Q Is he dead now? A. Yes sir I suppose he is.
Q Where did he live? A On Saline creek.
Q Was he a recognized Cherokee citizen? A. Yes sir I guess he was as far as I know.
Q Where were you taken during the war? A. I was taken into Missouri.
Q Did the Union Army take you up there? A. No sir.
Q Who took you up there? A. I dont know.
Q When did you come back from Missouri? A. I never got back until after the war, I guess it was along in '66.
Q Have you lived in the Cherokee Nation ever since? A. Yes sir.
Q Did you ever apply to any court or Commission to be admitted to citizenship after you got back except the Wallace court? A. No sir.
Q That was the only court you applied to was it? A. Yes sir.
Q What time of the war were you taken up to Kansas? A. Was taken to Missouri first part of the war, I was carried to Missouri.
Q And you staid up there until you got back in 1866? A. Yessir.

The Wallace roll examined and the name of the applicant's eldest daughter identified thereon as follows:
Page 104, No. 2211, Lucinda Rainey, Goowoescoowee district.

APPLICANT re-called and examined by the Commission:

Q Where was your father during the war? A. In Kansas.
Q Where were you, with him? A. Yes sir.
Q Do you remember when he came back? A. Yes sir.
Q Did he bring you back with him? A. Yes sir.
Q Have you lived here ever since? A. Yes sir.
Q Do you know who it was your mother belonged to? A. Eliza Wright.
Q And who was it your father belonged to? A. Solomon Downing.

By W. W. Hastings:

Q Who else came back with you and your father? A. Came back by ourselves, and my little sister.
Q What is your sister's name? A. Pinas.
Q What is her name now? A. She married a man named Carter.
Q Is she living? A. She is dead.
Q Was she your full sister? A. Yes sir.
Q Your mother died in Kansas dis she? A. Yes sir.
Q Do you remember your trip back from Kansas? A. Yes sir.
Q Was your brother Zebidee along with you? A. No sir he came back after we did, he came back from the south.
Q And you came back from Kansas? A. Yes sir.
Q Had your father been out here to prepare a home for you before you came? A. Yes sir he came first and then went and brought us children.
Q He came here first and built a house for you did he? A. No sir we just rented a place until he built a little place.
Q But he had been here before he brought you children, and had prepared a place for you and then went after you children? A. Yes sir.
Q What timein the year was it that you came? A In the spring.
Q Of what year? A. '66, it was in March.
Q Did you make a crop that year, your father? A. Yes sir.
Q Where? A. On Mrs. Daniels place I think; he went over and made some kind of a crop.
Q When did you go back to Kansas? A. Never went back.
Q Where were you married the first time? A. On Grand river.
Q Were all your children born in the Cherokee Nation? A. Yes sir.
Q You have never been back into Kansas? A. No sir.
Q Where was your father living the first year you came back after the war? A. We took the Johnson Thompson place
Q On which side of the river was that? A. On this side.
Q On the side next to Vinita? A. On this side.
Q Was Jess Cochran living there then? A. We lived with Jess Cochran.
Q The first year? A. We lived there a month or two.
Q When you first came? A. Yes sir.

By the Commission.

Q Is your brother Zebidee living now? A. Yes sir.
Q How old was he when you saw him after the war? A. I dont know.
Q How long had you been back when you first saw him? A. I think I had bee back here about a year; he came back shortly after we did.
Q Do you think it was less than a year? A. Yes sir I think it was.
Q You had married your first husband before the roll of 1880 was made? A Yes sir.
Q Did the census takers come to your house? A. Yes sir.
Q You were then living with your husband Sidney? A. Yes sir.
Q Did the census takers take your name down? A. Yes sir they took it down.
Q Did you tell him whose child you were? A. Yes sir.
Q Did you tell him that you were Reuben Downing's child? A Yes sir, I have been trying to tell them who I was ever since I came here in '66, and if they dont know it by now I cant help it.
Q You say your father came down before you did to prepare a place for you all? A Yes sir.
Q There were only two of you children with him in the north? A. Yes sir.
Q You and Pinas? A Yes sir.
Q Your brother Zebidee had gone south? A. Yes sir.
Q How long before you all came down had your father come down to prepare a place for you? A. He came down in the winter of '65 and then in the spring he came down with us.
Q The war was still going on in '65? A. It was after peace was declared when he come down here.
Q About how long after he first come down here before he brought you child-

you, was it a year? A. No sir it wasn't a year; he just went right back up there and got us and came right back here to the Nation.

ELIAS DOWNING, called and sworn as a witness for the applicant by Commissioner C. R. Breckinridge, testified as follows:

Q What is your name? A. Elias Downing.
Q How old are you? A. About 58.
Q What is your post office ?A Chelsea.
Q How long have you lived in the Cherokee Nation? A. I was raised in the Cherokee Nation.
Q Have you lived here all your life? A. No sir, I went out in '62.
Q Have you lived here all your life except during the war? A. I came back here and went out again.
Q Are you on the roll of 1880? A. No sir.
Q When did you first come back here? A. In '66.
Q What time in '66? A. In the fall.
Q Who came with you at that time? A. I came up here with a drove of cattle.
Q Where from? A. Texas.
Q Were you and Reuben Downing kin?A. He was my father.
Q This woman then is your sister? A. Yes sir.
Q When you were here in the fall of '66, did you see anything of your father?A Yes sir.
Q What was he doing then? A. He was living on a little farm on the east side of Grand river.
Q Was he located there? A. Yes sir.
Q Who was with him? A. Zebidee, Alsea and Finas.
Q Was Finas your full sister? A. Yes sir.
Q Is Alsea your full sister? A. Yes sir.
Q They didn't go south with you? A. No sir.
Q Did you and your brother Zebidee go south together? A. No sir.
Q Did he come back with you? A. No sir.
Q Who did go with you? A. John A. Richards.
Q Did your brother come back before you did? A. I guess so, I found him with my father.
Q And then you went out of the Nation again did you? A. Yes sir.
Q Where did you go? A. To Texas.
Q How long did you stay there then? A. I year or longer.
Q Why are you not on the 1880 roll? A. I dont know, they just wouldn't put me on I guess.
Q How long did you stay here when you came here in the fall of '66? A Year or so.
Q And you then went back to Texas? A. Yes sir, in the winter of '67.
Q Did you marry down there? A. Yes sir.
Q Did you have any children born there? A. Had one.

By M. W. Hastings:

Q Are you a full brother to this man Zebidee? A. Yes sir.
Q Her mother was dead then? A. Yes sir, she was dead when I came back.
Q Your father didn't have a wife then? A. No sir, not when I came back.
Q He was living on a place of his own was he? A. Yes sir.
Q Did he make a crop that year? A. Yes sir.

Q How far from the Thompson place was he living? A Two miles south of the Thompson place.
Q Who were your neighbors around there? A. Bob Daniels
Q Was George Clark there? A. I dont know where he was living; I saw him but dont know just where he was living.

(continuation of this case reported, by M. D. Green)

* * * * * * * * *

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause up to the time Stenographer M. D. Green relieved him, and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas von Weise

Subscribed and sworn to before me this the 3rd of June 1901 at Chelsea, I. T.

T. B. Needles

Commissioner.

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Alsas Bean et al - continued 1 May 31st, 1901.

(Former portion taken by Steno. Chas.vonWeise.)

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ALLEN LYNCH, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give your full name? A Allen Lynch.
Q How old are you? A 61 years old.
Q What is your post-office? A Vinita.
Q How long have you lived in the Cherokee Nation? A I have lived here all my life, only while I was out in the war.
Q Were you in Kansas during the war? A Well, I come out of Kansas and went south.
Q When did you return to the Cherokee Nation after the war?
A I come back in February 1866.
Q Are you on the roll of 1880? A Yes sir.
Q Do you know this applicant here, this woman? (Indicating.)
A Yes sir.
Q How long have you known her? A I have known her ever since she was born.
Q When did you first see her after the war? A I saw her about the last of October, 1865, when I come out of the army; she was living up there on the Neosho River, her and her father and another child; the old man was a widower; I was mistered out in October, 1865, and I come right down on Neosho River and she was there, that is the old man was there and two children.
Q How far is that from where this woman lives now? A 150 or 200 miles.
Q How long did they live up there? A I don't know how long they had been there before I come out of the army.
Q What did you see of her after that? A Well, that same winter I come out of the army her father here and my father and Crap and John Martin come down here on Grand River; that was before Christmas.
Q That was before Christmas in 1865? A Yes sir.
Q And then all of them went back but my father; he stayed down here; Crap and the old man went back, and the old man moved down here that same ~~back~~ following spring after Christmas.
Q Who do you mean by the "old man"? A Reuben Downing.
Q This woman's father? A Yes sir.
Q Where was it he moved just after Christmas? A Down in the bottom on the river.
Q When was that, in the spring of '66? A Yes sir.
Q Whereabouts on Grand River? A Well they lived at, we called it Dirtester place, now, they lived right on the east side of the river a mile and a half, and the Dirtester place is on the west side.
Q How long did they live there? A The old man died there.
Q The old man lived there until he died? A Yes sir.
Q Have you seen this woman pretty much ever since? A I saw her until she married this man Sidney and moved out there on Pryor's Creek.
Q How long did she live with that man Sidney? A I don't know, she must have lived with him two or three years, I don't know exactly.

Cherokee Nation vs W.W.Keeler et al waives examination of witness.

Applicant, ALSAS BEAN, re called, and further examined by Commissioner Breckinridge:

Q How is this about your father living on Neosho River? A I don't know, one hundred and fifty miles from his place on Grand River? I am about Harrett.

Alsea Bean et al continued #

Q Do you know anything about that? A Which?
Q About what I am asking you about? A About him living up there?
Q Yes, right after the war? A He aimed to say I reckon, Grand River.
Q Did you live with your father right after the war on Neosho river? A I have been living with him ever since--
Q I am asking you now about Neosho River; you understand what I am asking you about; answer my question? A I don't know whether they called Grand River Neosho river or not.
Q Where is it you say you came with your father after the war? A I come to Thompson's place when I come down here.
Q You came with him right straight from Kansas down to the Thompson place? A Yes sir, we camped on Neosho as we come.
Q Where were you coming from? A Kansas.
Q Whereabouts in Kansas? A It was this side of Garnett, where we lived.
Q Near Garnett? A Yes sir, Garnett, where he lived.
Q How long did you stay on Neosho, just camp on your way coming?
A Camped on our way coming.
Q Have you any recollection about meeting this man Al Lynch?
A Yes sir, he stayed up in Kansas; I saw him.
Q Where do you recollect first seeing him after the war? A In Kansas.
Q Where do you first recollect seeing him in the Cherokee Nation after the war? A On Grand River.
Q On what you call the Thompson place? A Yes sir; they all lived there, around.
Q Now that is your first recollection is it? A No sir.
Q Well then, what is your first recollection of seeing him in the Cherokee Nation after the war? A Well in '66 here right after the war down there up to the Thompson place.
Q How long did you live on that Thompson place? A We didn't stay there any more than two or three months I guess.
Q And then where did you go? A Down on this side of the river; he bought a little place of his own.
Q Is that where your father lived up to the time he died? A Yes sir.
Q When he moved on this side of Grand River? A Yes sir.

Cherokee Nation vs Hastings waives further examination of appl't.

HENRY BEAN, being sworn and examined by Commissioner Breckinridge, testified as follows; RE-CALLED:

Q Henry Bean, has your wife a child named Lucinda? A Yes sir.
Q Is that the child of her first husband? A Yes sir, just one.
Q This child, Lucinda, has been married has she? A Yes sir.
Q Give me the name of the man she married? A Reuben Hill.
Q How many children has this woman Lucinda got? A She has got two.
Q Two living children? A Yes sir.

Witness, ALLEN LYNCH, re-called, and further examined;
By Commissioner Breckinridge:
Q Where was this on Neosho River you saw this woman? A Neosho Falls, on Neosho River.
Q In Kansas? A Yes sir.
Q Near what place? A Well, is it Neosho Falls, the town of Neosho Falls; they lived there.
Q How far is that from Garnett? A It must be 25 miles from Garnett; it is about eight or ten miles above Iola on the river.
Q Some twenty-five miles from Garnett? A Yes sir, it must be.
Q They were living right there at the Falls? A Right there close to the Falls.

Q What were they doing there? A They were living there when I come out of the army.
Q Did they have a crop? A I don't remember anything about the crop.
Q Were they living in a house there? A Yes sir, they had a house.
Q Did they tell you how long they had been living there? A No sir.
Q Did they have the general things that people have around about a house where they are keeping house; did they have chickens and things like that? A I couldn't tell you about that; the old man had a team; he and these two children.
Q Did he have corn in his crib? A I couldn't tell you anything about that.
Q Well, you fed your horse there didn't you? A I didn't have no horse, no sir.

Witness, HENRY BEAN, re-called, and further examined; by Commissioner Breckinridge:

Q Now your wife has applied for five children younger than Lucinda; you and she have got six children altogether, counting Lucinda, five of your own? A Yes sir.
Q Is that right? A Yes sir.
Q Are these five all living now? A Yes sir.
Q You and she have got five children now living that are your own children? A Yes sir, five.

Commissioner Breckinridge: The applicant applies for the enrollment of herself, her husband and six children, and two grand-children; five of the children are of the applicant's present marriage, and one is her child by a former husband; ~~the applicant's husband~~ the two grand-children are the children of this last child by the applicant's first husband; the applicant is identified on the Kerns-Clifton roll, but not upon the roll of 1880 or that upon the roll of 1896; her mother is said to have died in Kansas during the War; her father, now dead some 12 years, is identified on the roll of 1880; the father is identified on the roll of 1880 with certain children who went south during the war; the father went north with the applicant's mother and with the applicant and a sister, Vinessa; the applicant's change of name, arising from marriage, is established by satisfactory parochial testimony; the father's enrollment in 1880 is evidence that he was qualified as a Cherokee Freedman under the Treaty of 1866; the testimony so far indicates that the applicant came back to the Cherokee Nation with her father within the period required by the Treaty of 1866; prior to the roll of 1880 she had married a man named Bean, who is said to have been dead some 17 years ago, and who, the States, was a Cherokee Freedman, but who is not found on the roll of 1880; it may be that the applicant's failure to be upon the roll of 1880 was due to the wrongful of name and her being married to a man who was not considered entitled to enrollment as that time; upon the other hand, neither is her sister, Vinessa, identified upon the roll of 1880, who, the applicant states, came with her from Kansas; she states that the census taker became the her home and took her name, and she does not know why it was left off the roll of 1880; it is possible that the applicant was not brought home by her father from the State of Kansas until after the period required by the Treaty of 1866, though the direct evidence so far does not indicate that fact, only her failure to be upon the roll of 1880 is indicated, but in the latter connection the Commissioner would be inclined to think her father being fully qualified under the

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Alsea Bean et al continued 4

roll of 1880 it would not convey the rights he enjoyed to a child some ten or twelve years of age whom he brought back soon after his own move to the Cherokee Nation, and after he had made some provision for his family; under these conditions, the applicant will at present be placed upon a doubtful card as a Cherokee Freedman, and the final decision of the Commission will be made known to her at her post-office address. As for the oldest child, the child by her former husband; the name of this child now is Lucinda Hill; she is 24 years of age, but she is said to be an invalid and unbalanced in her mind, and under the conditions the applicant is permitted to apply for her; this child is identified on the Kerns-Clifton roll, and is known to possess all the rights that her mother may possess; the change of this child's name, which was originally Sidney, to that of Hill, arises from her marriage, which is established by satisfactory personal testimony, and this child, Lucinda Hill, will now be listed for enrollment as a Cherokee Freedman on a doubtful card with her mother.

The children of this Lucinda Hill, the two grand-children for whom the applicant applies, namely, Alsea and Isaac Hill, are too young to be upon any roll, and the applicant is desired to supply the Commission with certificates of birth of these two children, who are said to be now living, and they will be listed for enrollment as Cherokee Freedmen on a doubtful card;

In addition to the oldest child just mentioned, the child of the applicant's first marriage, she has applied for five younger children, all minors, and children of her present marriage; these children are named respectively, Dovie, Effie, Earnest, Mary and Viola Bean; they are living, and the three older ones are identified on the Kerns-Clifton roll; all five of these children will now be listed for enrollment as Cherokee Freedmen on a doubtful card with their mother, and she is desired to supply the Commission with a proper certificate of the birth of the two younger children, Mary and Viola.

As for the applicant's husband; he claims the right to enrollment as a Cherokee Freedman of his own right; he has no ground to claim as an intermarried Freedman, as he was never married under a Cherokee license; he establishes a lawful, but not a Cherokee, marriage with his wife; he is identified on the Wallace roll, but not upon the roll of 1880 or the Kerns-Clifton roll or the roll of 1896; he states that he was a slave in the Cherokee nation at the time of the Civil War, but went out of the nation at the time, or at the close, of the War, and did not return until 1880, and was never re-admitted; it cannot be seen, under these conditions, that he ever qualified under the Treaty of 1866, or that he has any right at this time to enrollment, and the application for his enrollment is rejected.

The final decision in regard to these applications will be duly made known to the applicant at her post-office address.

M.D. Green, being first duly sworn, stats that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this the 1st, 1901.

C. R. Breckinridge

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAY 31 1901

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date May 21, 1901

Post Office Chelsea I.T.

District Cooweescoowee

1. Name Henry Beam Age 52

Owner's name Citizenship

Year Wallace Page 104 No. 2210 District Coo

Parents:

Father Jack Beam — dead Citizenship

Mother Mary Beam — " Citizenship

2. Name of wife Age

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

Rejected

3. Year Page No. Dist.
4. Year Page No. Dist.
5. Year Page No. Dist.
6. Year Page No. Dist.
7. Year Page No. Dist.
8. Year Page No. Dist.
9. Year Page No. Dist.
10. Year Page No. Dist.
11. Year Page No. Dist.
12. Year Page No. Dist.

Rejected

Application made by Alsea Beam (wife) Stenographer M. D. Green

XRef

Cherokee Freedmen R 98.

Jae
68

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Henry Bean as a Cherokee Freedman:

DECISION

The record in this case shows that on May 31, 1901, Alsea Bean appeared before the Commission at Chelsea, Indian Territory, and made personal application for the enrollment, among others, of her husband, Henry Bean, as a Cherokee Freedman. The other parties to the application are differently classified and are not embraced in this decision.

The evidence shows that the said Henry Bean was the slave of a Cherokee citizen at the commencement of the rebellion; that he was taken to Missouri during said rebellion and did not return to said Cherokee Nation until sometime after 1880.

The name of said applicant is not found on the 1880 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the application for the enrollment of Henry Bean as a Cherokee Freedman should be denied under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

C. R. Breathitt
Commissioner.

W. E. Stanley
Commissioner.

Muskogee, Indian Territory,
this JUL 10 1902

COPY.

Cherokee Freedman
R-98

Muskogee, Indian Territory, July 22, 1903.

Alsea Bean,

Chelsea, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of your husband, Merry Bean, as a Cherokee freedman, together with a copy of the Commission's decision dated July 10, 1903, rejecting your said application.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Enc. D-16

Register.

COMMISSIONERS
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.
W. E. STANLEY.

ALLISON L. AYLESWORTH.
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedman
R-98

Muskogee, Indian Territory, July 22, 1903.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, rejecting the application of Alsea Bean for the enrollment of her husband, Henry Bean, as a Cherokee freedman.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Enc. D-17

(C O P Y)

Refer in reply
to the following:
Land
46543-1903

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON.

January 20, 1904.

(C O P Y)

The Honorable,

The Secretary of the Interior.

Sir: There is transmitted herewith for the consideration of the Department the record of the proceedings had before the Commission to the five Civilized Tribes, in the matter of the application of Alsea Bean, for the enrollment of herself and her husband, Henry Bean, six children and two grand-children as Cherokee freedmen.

On July 10, 1903, the Commission rendered a decision in this case, in which it is stated that all of the parties to this application, other than the husband Henry Bean, are differently classified and are not embraced in said decision. The Commission then finds from the evidence that the said Henry Bean was a slave of a Cherokee citizen at the commencement of the Rebellion; that he was taken to Missouri during said Rebellion and did not return to said Cherokee Nation until sometime after 1880. It is further stated by the Com-

mission in said decision that the name of Henry Bean is not found on the 1880 authenticated roll of the Cherokee Nation.

By reason of said findings and facts the Commission is of the opinion that the application for the enrollment of Henry Bean as a Cherokee freedman should be denied under the provisions of Section 21, of the Act of Congress approved June 28, 1898, (30 Stats. 495).

I have examined the evidence submitted in behalf of the applicant, Henry Bean, and am also of the opinion that he is not entitled to be enrolled as a Cherokee freedman, for the reason that he did not comply with the provisions of the treaty of 1866. I therefore concur in the decision of the Commission, and recommend that it be affirmed by the Department.

The attention of the Department is invited to the fact that the principal applicant, his children and grandchildren were all listed by the Commission on a doubtful card, and I do not understand just why the final action of the Commission in their cases does not appear in this record, inasmuch as the record appears to contain all the testimony submitted concerning them.

Very respectfully,

W. A. Jones
Commissioner

W.C.B.-L.C.

(C O P Y)

W.C.F.
FHE
J.P.

D.C. 37740-1904
I.T.D. 548-1904

DEPARTMENT OF THE INTERIOR,

WASHINGTON

September 29, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:On July 22, 1903, you transmitted the record in the matter of the application for the enrollment of Henry Bean as a Cherokee freedman, including your decision of July 10, 1903, rejecting said application.

It appears that the original application included Alsea Bean, the wife of said Henry Bean, and her six children and two grandchildren. You state in your decision that the other parties are differently classified. They are therefore not embraced in this decision.

Reporting January 20, 1904, the Acting Commissioner of Indian Affairs recommends that your decision rejecting the applicant, Henry Bean, be approved. Copy of his letter is inclosed.

The Department concurs in said recommendation and your decision is affirmed.

Respectfully,

(Signed) Thos Ryan
Acting Secretary

1 inclosure.

Cherokee Freedmen
R-98

Muskogee, Indian Territory, October 28, 1904.

Henry Bean.,

Chelsea, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 10, 1903, rejecting the application for your enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on September 29, 1904.

Respectfully,

Tams Bixby.
Chairman.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
R-96

Muskogee, Indian Territory, October 28, 1904.

Bell, Hastings and Davenport,
Attorneys for Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated July 10, 1903, rejecting the application for the enrollment of Henry Bean as a Cherokee freedman, was affirmed by the Secretary of the Interior on September 29, 1904.

Respectfully,

Chairman.

Cherokee Freedman
R-98

Muskogee, Indian Territory, July 22, 1903.

The Honorable
The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Henry Bean as a Cherokee freedman, including the Commission's decision dated July 10, 1903, rejecting said application.

Respectfully,

T. B. Needles,

Commissioner in Charge.

Enc. D-18

Through the Commissioner of Indian Affairs.

ENROLLMENT REFUSED.

R 98

CHEROKEE FREEDMAN.

Decision

IN THE MATTER OF THE APPLICATION OF

Henry Bean

FOR ENROLLMENT AS

CHEROKEE FREEDMEN

A. Original testimony May 31-01

B. Mem. of application " "

July 10. 1903.

Sept. 29. 1914.

See Cherokee Freedmen Docket

no 9444.

Cher Fr R 99

Cher Fr R 99

[illegible] as he wire, Ida.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 31, 1901.

In the matter of the application of Robert Addy for the enrollment of himself and one child as Cherokee Freedmen, and for the enrollment of his wife and an intermarried Cherokee Freedman; being sworn and examined by Commissioner Breckinridge, he testified as follows:

Mallette, of Mallette & Smith, appears for applicant.

Q. Give me your full name? A. Robert Addy.
Q. How old are you? A. I was born March 7th, 1871.
Q. What is your post-office? A. Coffeyville, Kansas.
Q. In what district do you live? A. Coowescoowee.
Q. Do you want to be enrolled as a Cherokee Freedman? A. Yes sir.
Q. Do you want to apply for anybody to add to yourself? A. Adopted wife and one child.
Q. How long have you lived in the Cherokee nation? A. Born and raised here.
Q. Lived here all of your life, have you? A. Yes sir.
Q. Give me the name of your father? A. Ross Addy.
Q. Is he living? A. Yes sir.
Q. Give me the name of your mother? A. Caroline Chambers.
Q. Is your mother alive? A. Yes sir.
Q. Well, her name is Addy now, isn't it? A. No, her name is Chamberlain.
Q. Was she separated from your father? A. Yes sir.
Q. And married a man named Chamberlain? A. Yes sir.
Q. Give me the name of your wife? A. Ida Addy now.
Q. How old is your wife? A. She is between 30 and 35 I guess.
Q. You apply for her as an intermarried Cherokee? A. Yes, sir.
Q. She is a white woman of no known rights? A. Yes sir.
Q. Give me the name of her father? A. Ned Love.
Q. Is he alive? A. No sir.
Q. Give me the name of her mother? A. Matilda Love.
Q. Is she alive? A. Yes sir.
Q. When were you and your wife married? A. November 24, 1898.
Q. Were you ever married except to her? A. No sir.
Q. Was she ever married except to you? A. No sir.
Q. Never was? A. No sir.
Q. Have you a certificate of your marriage? A. Yes sir. (Produces paper.)

Counsel for the applicant presents a certificate showing that he was united in marriage to his wife, as stated by him, the ceremony being performed by the Rev. Joseph Smith, this is filed herewith.

Q. Have you and your wife lived together ever since you were married?
A. Yes sir.
Q. Give me the name of your child? A. Walter.
Q. How old is the child? A. She was born May 17th, 1900.
Q. The child is living now? A. Yes sir.

1896's with initiated roll of citizens of the Cherokee Nation examined and applicant identified as follows:
page [illegible] Robert Addy, Coowescoowee, adopted paloraig

1896 census roll of citizens of the Cherokee Nation examined and applicant identified as follows:
page [illegible] Coowescoowee District.

[illegible] applicant speaks for the [illegible] and [illegible] Addy

Robert Adair et al #3

identified on the rolls of 1880 and 1896 as a Cherokee Freedman; he has lived in the Cherokee nation all his life, and he will be listed for enrollment as a Cherokee Freedman.

For his wife he applies only as an intermarried Cherokee; she being a white woman; he testifies that neither he or she was married prior to their present marriage, and it is shown by the certificate filed herewith that they were united in marriage on November 24th, 1896; her marriage is too late, however, under the Cherokee law of December 10, 1895, to entitle her to enrollment at this time, whatever may be the theory of the right to enrollment of Freedmen by intermarriage; therefore the application for the enrollment of the applicant's wife is rejected;

Their child, Lester, is too young to be upon any roll, having been born in May of last year; but the applicant being duly identified as a Cherokee Freedman and the marriage between the child's father and mother being fully established as a lawful marriage, this child will also be listed for enrollment as a Cherokee Freedman, and the applicant is desired to file with the commission a proper certificate of its birth.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this June 1st, 1901.

Commissioner.

DEPARTMENT OF THE INT[illegible],
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
MAY 31 1901

ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date May 21, 1901

Post Office Bartlesville Ind Ter

District Illinois

1. Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents: Rejected

Father ..... Citizenship .....

Mother ..... Citizenship .....

2. Name of wife Ida Adair Age 27

Owner's name ..... Citizenship .....

Year — Page — No. — District .....

Parents:

Father Robt. Love - dead Citizenship .....

Mother Matilda " - dead Citizenship .....

Names of Children:

3. ..... Year ..... Page ..... No. ..... Dist. .....

4. ..... Year ..... Page ..... No. ..... Dist. .....

5. ..... Year ..... Page ..... No. ..... Dist. .....

6. ..... Year ..... Page ..... No. ..... Dist. .....

7. ..... Year ..... Page ..... No. ..... Dist. .....

8. ..... Year ..... Page ..... No. ..... Dist. .....

9. ..... Year ..... Page ..... No. ..... Dist. .....

10. ..... Year ..... Page ..... No. ..... Dist. .....

11. ..... Year ..... Page ..... No. ..... Dist. .....

12. ..... Year ..... Page ..... No. ..... Dist. .....

Application made by Robt. Adair (husband) Stenographer M. D. Green

Ref. 933

Millett & Smith, attys for applicant.

Department of the Interior.

Commission to the Five Civilized Tribes.

In the matter of the application for enrollment of William Davis, et al., as citizens by intermarriage of the Cherokee Nation, consolidating the applications of:

William Davis,	Cherokee Freedmen D— 14,
Henry Thomas,	Cherokee Freedmen D— 58,
Ella Vann,	Cherokee Freedmen D— 70,
Mary Markham,	Cherokee Freedmen D—109,
Frances Melton,	Cherokee Freedmen D—110,
John Dotson,	Cherokee Freedmen D—111,
Mary Jane Vann,	Cherokee Freedmen D—115,
Thomas Lowe,	Cherokee Freedmen D—119,
Ella Mayfield,	Cherokee Freedmen D—124,
Sallie Rider,	Cherokee Freedmen D—147,
Reuben Campbell,	Cherokee Freedmen D—167,
Van Jackson Luther,	Cherokee Freedmen D—174,
Cassie Midleton,	Cherokee Freedmen D—178,
Mary Harlin,	Cherokee Freedmen D—179,
Nellie Fields,	Cherokee Freedmen D—193,
John Kimbo,	Cherokee Freedmen D—198,
William S. Madden,	Cherokee Freedmen D—199,
Jane Bean,	Cherokee Freedmen D—205,
Albert T. Thomas,	Cherokee Freedmen D—249,
Mary Campbell,	Cherokee Freedmen D—279,
Caroline Daniels,	Cherokee Freedmen D—282,
Melvina Alberty,	Cherokee Freedmen D—287,
Dave Morris,	Cherokee Freedmen D—288,
Alexander Chaggett,	Cherokee Freedmen D—300,
Amanda Martin,	Cherokee Freedmen D—304,
Eliza Martin,	Cherokee Freedmen D—317,
John E. Barnes,	Cherokee Freedmen D—316,
Bell Davis,	Cherokee Freedmen D—355,
Samuel Brown,	Cherokee Freedmen D—345,
Howard F. Watson,	Cherokee Freedmen D—347,
Jack McConnell,	Cherokee Freedmen D—350,
Maude Manley,	Cherokee Freedmen D—350,

George Reed, Sr.,	Cherokee Freedmen D—382,
Buck Ledman,	Cherokee Freedmen D—406,
Bell Thompson,	Cherokee Freedmen D—411,
Lewis Scott,	Cherokee Freedmen D—420,
Abe Scott,	Cherokee Freedmen D—421,
Kinder Lampton,	Cherokee Freedmen D—423,
Thomas H. Allen,	Cherokee Freedmen D—424,
Lewis Vanderford,	Cherokee Freedmen D—426,
John L. Bowlin,	Cherokee Freedmen D—444,
Katie Davis,	Cherokee Freedmen D—455,
Charles Williams,	Cherokee Freedmen D—473,
John J. Rose,	Cherokee Freedmen D—474,
Jane Martin,	Cherokee Freedmen D—486,
Lena Peterson,	Cherokee Freedmen D—490,
Alex Johnson,	Cherokee Freedmen D—493,
Martha Vann,	Cherokee Freedmen D—495,
John Scott,	Cherokee Freedmen D—501,
Nancy Ross,	Cherokee Freedmen D—513,
Charles C. Smith,	Cherokee Freedmen D—514,
Susie Colbert,	Cherokee Freedmen D—520,
William Skaggs,	Cherokee Freedmen D—545,
Susie Johnson,	Cherokee Freedmen D—546,
Alfred P. Hopkins,	Cherokee Freedmen D—550,
Kizzie Vann,	Cherokee Freedmen D—552,
Freddie Looney,	Cherokee Freedmen D—573,
Lucy Chouteau,	Cherokee Freedmen D—584,
Alice Durant,	Cherokee Freedmen D—588,
Mahaley Ward,	Cherokee Freedmen D—608,
Fred D. Thomas,	Cherokee Freedmen D—650,
Bettie Beck,	Cherokee Freedmen D—665,
Ellis Warren,	Cherokee Freedmen D—667,
Millie Robinson,	Cherokee Freedmen D—674,
Mary Webber,	Cherokee Freedmen D—692,
Frances Martin,	Cherokee Freedmen D—696,
Mary Riley,	Cherokee Freedmen D—699,
Emanuel Taylor,	Cherokee Freedmen D—733,
Henry Sykes,	Cherokee Freedmen D—735,
Larkin P. Powell,	Cherokee Freedmen D—736,
Stepney Dawn,	Cherokee Freedmen D—741,
Malinda Vann,	Cherokee Freedmen D—742,
Frances Johnson,	Cherokee Freedmen D—743,
Annie Foster,	Cherokee Freedmen D—752,
Mary H. Rogers,	Cherokee Freedmen D—758,
George Washington Lane,	Cherokee Freedmen D—760,
Jane Brown,	

Samuel L. Young,	Cherokee Freedmen D—761,
John Buckner,	Cherokee Freedmen D—780,
Willis Cox,	Cherokee Freedmen D—781,
Leonard Bowles,	Cherokee Freedmen D—787,
Malinda Murrell,	Cherokee Freedmen D—788,
Charles Claggett,	Cherokee Freedmen D—789,
Samuel Irven,	Cherokee Freedmen D—793,
Mary Rose,	Cherokee Freedmen D—799,
Maggie Nave,	Cherokee Freedmen D—806,
Neoma Nave,	Cherokee Freedmen D—816,
Ella Rose,	Cherokee Freedmen D—840,
Elizabeth Duncan,	Cherokee Freedmen D—871,
Sadie Adams,	Cherokee Freedmen D—880,
Georgeann Archer,	Cherokee Freedmen D—901,
John Claggett,	Cherokee Freedmen D—912,
Hattie Smith,	Cherokee Freedmen D—923,
Jack Jackson,	Cherokee Freedmen D—938,
Lula Sanders,	Cherokee Freedmen D—973,
George Hazelrig,	Cherokee Freedmen D—987,
Lizzie West,	Cherokee Freedmen D—990,
Maria French,	Cherokee Freedmen D—1010,
Mary Johnson,	Cherokee Freedmen D—1039,
Maggie Vann,	Cherokee Freedmen D—1062,
William Hudson,	Cherokee Freedmen D—1067,
Sarah Rogers,	Cherokee Freedmen D—1078,
Abraham Ballard,	Cherokee Freedmen D—1082,
Laura David,	Cherokee Freedmen D—1085,
John Deekman,	Cherokee Freedmen D—1105,
James B. Perry,	Cherokee Freedmen R— 39,
Isaac Welch,	Cherokee Freedmen R— 45,
Lawson Logan,	Cherokee Freedmen R— 48,
George Howell,	Cherokee Freedmen R— 56,
Henry Masir,	Cherokee Freedmen R— 78,
George Adams,	Cherokee Freedmen R— 82,
Annie Thomas,	Cherokee Freedmen R— 83,
Lewis McConnell,	Cherokee Freedmen R— 86,
Callie Vann,	Cherokee Freedmen R— 94,
Lon Peters,	Cherokee Freedmen R— 96,
Ida Adair,	Cherokee Freedmen R— 99,
Robert Brown,	Cherokee Freedmen R—100,
Allie Chambers,	Cherokee Freedmen R—102,
Isom Jones,	Cherokee Freedmen R—104,
Alice Gunter,	Cherokee Freedmen R—105,
Katie Adair,	Cherokee Freedmen R—106,
Carrie Martin,	Cherokee Freedmen R—107,

Benjamin Clark,	Cherokee Freedmen R—108,
Emily Looney,	Cherokee Freedmen R—110,
John Groves,	Cherokee Freedmen R—112,
Matilda McNair,	Cherokee Freedmen R—117,
Bettie Vann,	Cherokee Freedmen R—122,
Nelson Lett,	Cherokee Freedmen R—125,
Fannie Rogers,	Cherokee Freedmen R—129,
William Washington,	Cherokee Freedmen R—131,
Squire Warren Owens,	Cherokee Freedmen R—143,
Fannie Goldsby,	Cherokee Freedmen R—144,
Susan Daniels,	Cherokee Freedmen R—146,
Anderson Turk,	Cherokee Freedmen R—148,
David Lane,	Cherokee Freedmen R—155,
Felix McClain,	Cherokee Freedmen R—165,
Henderson Jones,	Cherokee Freedmen R—173,
Belle Vann,	Cherokee Freedmen R—181,
Levi Stroud,	Cherokee Freedmen R—196,
John Sumpter,	Cherokee Freedmen R—311,
Mariah Thompson,	Cherokee Freedmen R—330,
Ellen Sheppard,	Cherokee Freedmen R—337,
Lula Melton,	Cherokee Freedmen R—347.

C,T,R 917

DECISION.

It appears from the record herein that applications for enrollment as Cherokee citizens by intermarriage, were made to this Commission by William Davis for himself; by Hannah Thomas for her husband, Henry Thomas; by Jim Vann for his wife, Ella Vann; by Sig Markham for his wife, Mary Markham; by Nathan Melton for his wife, Frances Melton; by Mary Dotson for her husband, John Dotson; by George W. Vann for his wife, Mary Jane Vann; by Thomas Lowe for himself; by Thomas Mayfield for his wife, Ella Mayfield; by James Rider for his wife, Sallie Rider; by Reuben Campbell for himself; by Van Jackson Luther for himself; by Tobe Midleton for his wife, Cinsie Midleton; by Thomas Harlin for his wife, Mary Harlin; by John Fields for his wife, Nellie Fields; by John Kimbo for himself; by William N. Maddow for himself; by Tobias Bean for his wife, Jane Bean; by Etta Thomas for her husband, Albert T. Thomas; by James Campbell for his wife, Mary Campbell; by Frank Daniels for his wife, Caroline Daniels; by Jim Alberty for his daughter-in-law, Melvina Alberty; by Sarah Morris for her husband, Dave Morris; by Jane Claggett for her husband, Alexander Claggett; by Payton Martin for his wife, Amanda Martin; by Charles Martin for his wife, Eliza Martin; by John E. Barnes for himself; by Joe Davis for his wife, Bell Davis; by Ellen Brown for her husband, Samuel Brown; by Mary Ann Watson for her husband, Howard T. Watson; by Jack McConnell for himself; by Maude Manley for herself; by George Reed, Sr., for himself; by Buck Ledman for himself; by Bell Thompson for herself; by Lewis Scott for himself; by Abe Scott for

himself; by Kender Lampton for himself; by Thomas E. Allen for himself; by Lewis Vanderford for himself; by Elizabeth Bowlin for her husband, John L. Bowlin; by John D. Davis for his wife, Katie Davis; by Charles Williams for himself; by John J. Rose for himself; by David Martin for his wife, Jane Martin; by Fred Peterson for his wife, Lena Peterson; by Mariah Johnson for her husband, Alex Johnson; by Joseph Vann for his wife, Martha Vann; by John Scott for himself; by Steve Looney for Nancy Ross; by Charles C. Smith for himself; by James Colbert for his wife, Susie Colbert; by Rosanna Skaggs for her husband, William Skaggs; by Susie Johnson for herself; by Alfred P. Hopkins for himself; by Charles Vann for his wife, Kizzie Vann; by Jake Looney for his wife, Freddie Looney; by Lucy Chouteau for herself; by Alice Durant for herself; by Alonzo Ward for his wife, Mahaley Ward; by Fred D. Thomas for himself; by Benjamin Beck for his wife, Bettie Beck; by Ellis Warren for himself; by William Henry Robinson for his wife, Millie Robinson; by Josh Webber for his wife, Mary Webber; by Otto Martin for his wife, Frances Martin; by Ed Riley for his wife, Mary Riley; by Emanuel Taylor for himself; by Henry Sykes for himself; by Larkin P. Powell for himself; by Stepney Dawn for himself; by Ellis Vann for his wife, Malinda Vann; by David Johnson for his wife, Frances Johnson; by Phillip Foster for his wife, Annie Foster; by Houston Rogers, Jr., for his wife, Mary H. Rogers; by George Washington Lane for himself; by Silas Hammer Brown for his wife, Jane Brown; by Samuel L. Young for himself; by Lizzie Buckner for her husband, John Buckner; by Sarah Cox for her husband, Willis Cox; by Susan Bowles for her husband, Leonard Bowles; by Henry Murrell for his wife, Malinda Murrell; by Charles Claggett for himself; by Samuel Irven for himself; by David Ross for his wife, Mary Ross; by George F. Nave for his wife, Maggie Nave; by Lewis Armstead Nave for his wife, Neoma Nave; by Perry Ross for his wife, Ella Ross; by Elizabeth Duncan for herself; by Perry Adams for his wife, Sadie Adams; by Thomas Archer for his wife, Georgeann Archer; by Nancy Claggett for her husband, John Claggett; by Sonny Smith for his wife, Hattie Smith; by Jack Jackson for himself; by John Sanders for his wife, Lula Sanders; by Mary Hazelrig for her husband, George Hazelrig; by George West for his wife, Lizzie West; by Maria French for herself; by Mary Johnson for herself; by Maggie Vann for herself; by William Hudson for himself; by Sarah Rogers for herself; by Abraham Ballard for himself; by King David for his wife, Laura David; by John Deckman for himself; by James B. Perry for himself; by Isaac Welch for himself; by Nancy Logan for her husband, Lawson Logan; by Maria Howell for her husband, George Howell; by Amanda Masir for her husband, Henry Masir; by Katie Adams for her husband, George Adams; by Willie Thomas for his wife, Annie Thomas; by Lewis McConnell for himself; by Josh Vann for his wife, Callie Vann; by Lou Peters for herself; by Robert Adair for his wife, Ida Adair; by Josie Brown for her husband, Robert Brown; by Mat Chambers for his wife, Allie Chambers; by Rachel Jones for her husband, Isom Jones; by Lewis Gunter for his wife, Alice Gunter; by Amos Adair for his wife, Katie Adair; by William H. Martin for his wife, Carrie Martin; by Benjamin Clark for himself; by Emily Looney for herself; by Mary Groves for her husband, John Groves; by Butler McNair for his wife, Matilda McNair; by Bettie Vann for herself; by Nelson Lett for himself; by Allen Rogers for his wife, Fannie Rogers; by William Washington for himself; by Squire Warren Owens for himself; by Fannie Goldsby for herself; by Charles Daniels for his wife, Susan Daniels; by Rachel Turk for her husband, Anderson Turk; by David Lané for himself; by Felix McClain for himself; by Henderson Jones for himself; by Isaac Vann for his wife, Belle Vann; by Maggie Stroud for her husband, Levi Stroud; by John Sumpter for himself; by Mariah Thompson for herself; by Ellen Sheppard for herself; and by Lula Melton for herself, claiming their right thereto by virtue of their marriage to Freedmen Cherokee citizens.

The record further shows that none of the applicants herein make any claim to enrollment as citizens of the Cherokee Nation other than as set forth above.

It further appears from the record herein that at the time applications were made for the enrollment of the above named applicants, application was also made for the enrollment of other applicants as Cherokee Freedmen, but said applications being differently classified are not included in this decision.

It does not appear that any of the applicants herein are identified upon the 1880 Authenticated Cherokee Roll, nor does it appear that any of said applicants has ever been admitted to Cherokee citizenship by a duly constituted court or committee of the Cherokee Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321).

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Lemuel Welcome, (I. T. D. 5848-1904, 11,776-1904), the applications made for the enrollment of William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Midleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Melinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington,

Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by intermarriage, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[SIGNED] TAMS BIXBY,
Chairman.

[SIGNED] T. B. NEEDLES,
Commissioner.

[SIGNED] C. R. BRECKINRIDGE,
Commissioner.

MUSKOGEE, INDIAN TERRITORY, JANUARY 19, 1905.

COPY.

Cherokee Freedman
D-205 et al.

Muskogee, Indian Territory, January 24, 1905.

Edgar Smith,
Attorney for Jane Bean et al.,
Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting, among others, the applications for the enrollment of Jane Bean, Albert T. Thomas, Melvina Alberty, Alexander Claggett, Amanda Martin, Maud Manley, Katie Davis, Charles Williams, John J. Rose, Alex Johnson, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Mahaley Ward, Millie Robinson, Frances Martin, Mary Riley, Samuel Irven, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Ida Adair, Robert Brown, Isom Jones, Alice Gunter, Katie Adair, Susan Daniels, and Levi Stroud as Cherokee citizens by intermarriage.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

Encl. L-182.
Register.

COPY.

Cherokee Freedmen,

R-99.

Muskogee, Indian Territory, January 24, 1905.

Ida Adair,

Coffeyville, Kansas.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage. A copy of the Commission's decision has this day been forwarded to your attorney, Edgar Smith, Vinita, Indian Territory.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby
Chairman.

Incl. S-83.

Register.

COPY.

Cherokee Freedmen
3-14 et al.

Muskogee, Indian Territory, January 24, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Matthew, Frances Nelson, John Watson, Katy Jane Vann, Thomas Drew, Ella Mayfield, Sallie Miller, Reuben Campbell, Tom Jackson Mather, Cassie Middleton, Mary Martin, Sallie Fields, John Kimbo, William S. Hudson, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Fairlee Alberty, Jane Morris, Alexander Haggett, Amanda Martin, Miles Martin, John S. Bunton, Bell Davis, Susan Brown, Thomas J. Watson, Jack McDonald, Mandy Manley, George Reed, Sr., Jack Sanders, Bell Thompson, Lewis Scott, Ike Scott, Kenner Langston, Thomas E. Allen, Lewis Vanderford, John T. Rowlin, Katie Davis, Charles Williams, John F. Ross, Jane Martin, Lewis Ketcher, Alex Johnson, Martha Vann, John Scobe, Henry Ross, Charles C. Smith, Susie Gilbert, William Cooper, Susie Johnson, Alfred P. Hayden, Viola Vann, Franklin Lenear, Mary

Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stephney Dunn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Wave, Neoma Wave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hasselrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Endson, Sarah Rogers, Abraham Ballard, Laura David, John Beckman, James B. Perry, Isaac Welch, Lawson Logan, George Rowell, Henry Blair, George Adams, Annie Thomas, Lewis McDonnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Inom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda Blair, Bettie Vann, Nelson Lott, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Nelle Vann, Levi Stroud, John Dumpter, Huldah Thompson, Ellen Sheppard and Lula Mellon, as Cherokee citizens by intermarriage.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The names of the

[illegible] will be made known to you as soon as the [illegible] is informed of the same.

Respectfully,

SIGNED Tattie Bixby,

[redacted]

Encl. None.

COPY

Cherokee Freedman
D-14 et al.

Muskogee, Indian Territory, January 24, 1905.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted record of proceedings had in the matter of the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Jetson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Hamlin, Millie Fields, John Kibbe, William S. Madden, Jane Egan, Albert T. Thomas, Mary Campbell, Caroline Daniels, Malvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John N. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Ada Scott, Kender Kempton, Thomas B. Allen, Lewis Vandeford, John L. Bowlin, Katie Davis, Charles Williams, John J. Bass, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Bass, Charles C. Smith, Susie Calbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Lacney, Lucy Choutwan, Alice Durant, Dallas Ward, Fred D. Thomas, Nettie Egek, Ellis Warren, Millie Robinson, Mary Tucker,

Frances Martin, Mary Riley, Emanuel Taylor, Henry Spivey, Lawtin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Pepper, Mary E. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willie Cox, Leonard Bowles, Malinda Harrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett Mattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John [illegible], James B. Parry, Isaac Welch, Lawson Logan, George Howell, Henry Mazir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Ben Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Sumter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Sarah Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Nellie Vann, Levi Steed, John Sumter, Mariah [illegible], Ellen Sheppard and Lula Holton, as Cherokee citizens by intermarriage, including the Commission's decision dated January 19, 1905, rejecting said applications.

Respectfully,

(SIGNED) James Bixby.
[illegible]

Encl. 5-6.

Through the
[illegible] of Indian Affairs.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, March 20, 1905.

Refer in reply
to the following:
Land.
7908-1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 26, 1905, transmitting the record of the application for enrollment as Cherokee citizens by intermarriage to Cherokee freedmen by William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Dean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Elima Martin, John M. Barnes, Dell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Minnie Manley, George Reed, Sr., Hank Lehman, Dell Thompson, Lewis Scott, Ab Scott, Hunter Lampton, Thomas M. Allen, Lewis Vanderford, John L. Durbin, Lulie Davis, Charles Williams, John J. Rose, Jane Martin, Jane Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Reed, Charles S. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Elmira Vann, Freddie Looney, Lucy Chestnut, Alice Bryant,

Mahaley Ward, Fred D. Thomas, Bettie Beck, Willis Warren, Willie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stoyney Dunn, Malinda Vann, Frances Johnson, Annie Foster, Mary M. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Worrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Emma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Mattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Beckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Nasir, George Sims, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Sumter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Miles Sheppard, and Lula Walters.

January 19, 1905, the Commission decided adversely to all the applicants.

The record shows that none of the applicants makes claim to enrollment as citizens of the Cherokee Nation, except by intermarriage with a Cherokee freedman; that none has ever been enrolled or admitted to citizenship by any tribal authority of the

Cherokee Nation or by any United States tribunal and that none is identified on the 1880 authenticated Cherokee roll.

In view of the record and of the ruling of the Department of November 12, 1904 (I. T. D. 8648-1904) in the Lemuel Welcome case, the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

M.M.M.
W.

(C O P Y)

D. C. 20677-1905
I.T.D. 2904-1905

W & F
P M E

LRS

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

April 17, 1905.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

January 24, 1905, you transmitted the record in the matter of the applications for the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation, including your decision of January 19, 1905, rejecting said applications, viz:

William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbe, William S. Madden, Jane Bean , Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John R. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Lockman, Bell Thompson, Lewis Scott, Abe Scott, Xander Lawton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann,

John Scott, Nancy Ross, Charles C. Smith, Susie Calbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Minnie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Willis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Neema Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Mattie Smith, Jack Jackson, Lula Sanders, George Haselrig, Minnie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Buckner, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Nasir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Leon Jones, Alice Sumter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Betty Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton.

Reporting in the matter March 21, 1905, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) THOS. RYAN
Acting Secretary.

1 inclosure.

COPY.

Cherokee Freedmen

R-99.

Muskogee, Indian Territory, April 28, 1905.

Ida Adair,

Coffeyville, Kansas.

Dear Madam:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

COPY.

Cherokee Freedmen

R-99.

Muskogee, Indian Territory, April 28, 1905.

Edgar Smith,

Attorney for Ida Adair,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting, among others, the application for the enrollment of Ida Adair as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

SIGNED Tams Bixby.
Chairman.

COPY.

Cherokee Freedmen

D-14, et al.

Muskoge, Indian Territory, April 28, 1905

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED) Tams Bixby.

Chairman.

COPY.

Cherokee Freedmen
D-14, et al.

Muskogee, Indian Territory, April 28, 1905.

Commissioner in Charge,
Cherokee Land Office,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

ENROLLMENT REFUSED.
CHEROKEE FREEDMAN.

R99

IN THE MATTER OF THE APPLICATION OF

Ida Ridair

FOR ENROLLMENT AS

CHEROKEE FREEDMEN

N. Original testimony May 31-01

D. Mem of application " "

C. Marriage cert

Ic:

Ic

See Cherokee Freedmen jacket

No 932

Cher Fr R 100

Cher Fr R 100

REJECTED, as to husband, Robert Brown:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHELSEA, I.T., MAY 31st, 1901.

In the matter of the application of Josie Brown for the enrollment of herself, husband, ROBERT BROWN, and five children as Cherokee Freedmen; said Brown being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Josie Brown.
Q How old are you? A 31 I guess.
Q What is your post office? A Welch.
Q What district do you live in? A Coowee coowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Is your name on the roll of 1880? A No, I guess not, I don't know.
Q Did you draw what is known as Strip payment money?
A Yes, sir.
Q Who do you want to enroll? A Myself and five children.
Q Give me the names of your children? A Turner Brown.
Q How old is Turner Brown? A I don't know, I have got a paper here; Turner is ten years old.
Q What is the next one? A Bessie, Bessie is seven years old.
Q The next one? A Gracie, she is about five years old.
Q The next one? A Claudy.
Q How old is Claude? A He is two years old past.
Q The next one? A Celia.
Q Are you married? A Yes, sir.
Q What is your husband's name? A Robert Brown.
Q 's he a citizen? A Yes, sir.
Q State-man? A Yes, sir.
Q When were you married? A The papers there show it; we married according to Cherokee law, we first married by a licensed Minister and married over.

Com'r Needles:--Applicant presents a certificate of marriage certifying that she was married to R. Brown, on the 17th day of October, 1889.

Q What is your mother's name? A Celia Chambers.
Q That is her name now? A Yes, sir.
Q What is your father's name? A George Adair.
Q Is George Adair living? A No, sir, he is dead.
Q Were you a slave? A No, sir.

BY MR. SMITH, of Firm of Mellette & Smith, Attorneys for Applicants.

Q What is your husband's name? A Robert Brown.
Q Are you living with him now? A Yes, sir.
Q Well you want to apply for him as an intermarriaed citizen?
A Well, I will if I can.
Q What is this paper now (Paper produced and shown witness)?
A This is our marriage license and copy from the record.
Q You stated I believe that you were first married to your husband by a Minister? A Yes, sir.
Q And you were afterwards married accoreing to Cherokee law?
A Yes, sir.

MR. SMITH:--Now I desire to ~~mx~~ offer a certified copy ~~of~~ from the Clerk, Coowescoowee District, showing the authorization of the marriage between this applicant and her husband, Robert Brown, a citizen of the United States.

Q Where do you live? A I live up on Bear Creek.
Q Is that in the Cherokee Nation? A Yes, sir.

Q What is your post office? A Welch.
Q How long have you lived in the Cherokee Nation? A I was born here and raised here.
Q What kin are you to Celia Chambers? A She is my mother.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and applicant's name not found thereon.

The 1896 Census Roll of Freedmen of the Cherokee Nation examined and names of applicants not found thereon.

The Kerns-Clifton Roll of Freedmen of the CherokeeNation examined and applicant's name found thereon as follows:
Page 138, #3436, Josie Brown, Cooweescoowee District.
Page 138, #3437, Turner Bown, Cooweescoowee District.

Q Did you ever draw any other money except the strip payment money?
A I drawed the Wallace money?

The Wallace Roll of Freedmen of the Cherokee Nation examined and applicant's name found thereon, page 134, #2795, Josie Adair, Cooweescoowee District.

BY L. B. BELL, Cherokee Representative:

Q Have you been living in the country a little while?
A Yes, sir.
Q You didn't go out of to Chetopa and stay about 15 years?
A No, sir.
Q Didn't stay two or three? A No, sir.

COM'R MEEDLES:--Josie Brown applies for the enrollment of herself and five children, to-wit: Turner, Bessie, Gracie, Claudy and Celia Brown. She also applies for the enrollment of her husband, Robert, as a citizen by intermarriage. She is duly identified upon the Kerns-Clifton roll as Josie Brown, and upon the Wallace roll as Josie Adair, Adair having been her maiden name. Her oldest child, Turner's name is found upon the Kerns-Clifton roll. The names of her four younger children, are not found upon any roll. She avers that she is a child of Celia Chambers and her father's name was George Adair. Reference is made as to the testimony in the case of Celia Chambers, who is enrolled as a Cherokee Freedman on D. Card #446, and the testimony in said case will be made a part of the record in the case now under consideration. Consequently Josie Brown and her five children as enumerated herein will be listedfor enrollment as a Cherokee Freedmen upon a doubtful card, awaiting further consideration of the Commission. It will be necessary for her to file satisfactory proof as to the birth of her found youngest children, Bessie, Gracie, Claudy and Celia, their names not appearing upon any roll.

Applicant makes satisfactory proof of her marriage to one Robert Brown a non-citizen, in the year 1896, according to the laws of the Cherokee Nation, too late according to the laws of the Cherokee Nation for intermarried persons to derive any rights of Cherokee citizenship by intermarriage, consequently the application for the enrollment of Robert Brown will be rejected, she averring that her said husband Robert, is not entitled to any rights other than intermarriage.

Q How old is Robert? A He is 43 or 44.

---oooOOOooo---

Josie Brown, et al.--2.

J. O. Benson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Benson

Subscribed and sworn to before me this 24 day of June, 1901.

Commissioner.

DEPARTMENT OF
MISSION TO THE FIVE C
FILED
31 190

Certificate of Marriage
United States of America
Indian Territory
Northern District
I Jessie Rowe a Minister of the Gospel do hereby Certify that on the 17th Oct A.D 1899 I did duley and according to Law Solemnize the rite and published the Banns of Matrimony Between R. Brown and Jodie Adair
Both Gentile

Subscribed and Sworn to before me this 30 May 1901

Wm Madden JP
Notary Public

DEPARTMENT OF THE INT.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAY 31 1901

ACTING CHAIRMAN.

Marriage License:-

Cherokee Nation,

Cooweescoowee District.

To any person legally authorized:—

Greeting:— You are hereby authorized to join in the Holy Bonds of Matrimony , and celebrate the rites and ceremonies of marriage between Mr.Robert Brown, a citizen of the United States and Miss Josie Adair a citizen of the Cherokee Nation, and you are required to return this License to me for record, within thirty days from the celebration of such marriage, with a certificate of the same appended thereto and signed by you:-

Given under my hand and seal of office this the 28th day of Jany, 1896.

(seal)

Joe.M.Lahay Clerk
Cooweescoowee District,.

Petition signed by as follows:- L.Brown:- Morris Brown. Wm Brewer:- Henry Goddard:- James Goddard:- J.H.McGhee:- Albert McGhee:- S.R.Hurst:- M.A.Barker:- W'P'Goddard:-

::::::::::::::::::::

Licensr returned within the time required by law:— Recorded this 20th' March 1896.

Joe.M.Lahay Clerk of
Cooweescoowee District.
By Fred McDaniel Dep-Clk.

$$$$$$$$$$$$$$$$$$$$

I Joe.M.Lahay Clerk of Cooweescoowee District do hereby ce rtify that the above and foregoing is a true and correct copy of a record found on page 134 Record Book "E" of Marriages in and for Cooweescoowee District Cherokee Nation,

In witness whereof I hereunto set my hand and seal of office on this the 5th' day of August, 1896.

Joe M Lahay

Clerk of Cooweescoowee District, C.N.

DEPARTMENT OF THE INT
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAY 31 1901

ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date May 31st 1901

Post Office

District

1. Name Tobe Bacon Age 44

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

2. Name of wife Age

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

3. Year Page No. Dist.
4. Year Page No. Dist.
5. Year Page No. Dist.
6. Year Page No. Dist.
7. Year Page No. Dist.
8. Year Page No. Dist.
9. Year Page No. Dist.
10. Year Page No. Dist.
11. Year Page No. Dist.
12. Year Page No. Dist.

Application made by Wm. John Brown Stenographer R. V. Wood

0449

Tobe Bacon

Robert Mallette Smith

Department of the Interior.

Commission to the Five Civilized Tribes.

In the matter of the application for enrollment of William Davis, et al., as citizens by intermarriage of the Cherokee Nation, consolidating the applications of:

William Davis,	Cherokee Freedmen D— 14,
Henry Thomas,	Cherokee Freedmen D— 58,
Ella Vann,	Cherokee Freedmen D— 70,
Mary Markham,	Cherokee Freedmen D— 103,
Frances Melton,	Cherokee Freedmen D— 110,
John Dotson,	Cherokee Freedmen D— 111,
Mary Jane Vann,	Cherokee Freedmen D— 115,
Thomas Lowe,	Cherokee Freedmen D— 119,
Ella Mayfield,	Cherokee Freedmen D— 124,
Sallie Elder,	Cherokee Freedmen D— 147,
Reuben Campbell,	Cherokee Freedmen D— 157,
Van Jackson Luther,	Cherokee Freedmen D— 174,
Cassie Middleton,	Cherokee Freedmen D— 176,
Mary Harlin,	Cherokee Freedmen D— 179,
Nellie Fields,	Cherokee Freedmen D— 185,
John Kimbo,	Cherokee Freedmen D— 186,
William S. Madden,	Cherokee Freedmen D— 189,
Jane Bean,	Cherokee Freedmen D— 205,
Albert P. Thomas,	Cherokee Freedmen D— 240,
Mary Campbell,	Cherokee Freedmen D— 270,
Caroline Daniels,	Cherokee Freedmen D— 281,
Melvina Affourty,	Cherokee Freedmen D— 287,
Dave Morris,	Cherokee Freedmen D— 288,
Alexander Claggett,	Cherokee Freedmen D— 300,
Amanda Martin,	Cherokee Freedmen D— 304,
Elsa Martin,	Cherokee Freedmen D— 317,
John B. Barnes,	Cherokee Freedmen D— 318,
Bell Davis,	Cherokee Freedmen D— 335,
Samuel Brown,	Cherokee Freedmen D— 340,
Howard F. Watson,	Cherokee Freedmen D— 341,
Jack McConnell,	Cherokee Freedmen D— 349,
Maude Manley,	Cherokee Freedmen D— 362,

George Reed, Sr.,	Cherokee Freedmen D—382,
Buck Ledman,	Cherokee Freedmen D—406,
Bell Thompson,	Cherokee Freedmen D—411,
Lewis Scott,	Cherokee Freedmen D—420,
Abe Scott,	Cherokee Freedmen D—421,
Kender [illegible],	Cherokee Freedmen D—423,
Thomas E. Allen,	Cherokee Freedmen D—424,
Lewis Vanderford,	Cherokee Freedmen D—426,
John L. Bowlin,	Cherokee Freedmen D—444,
Katie Davis,	Cherokee Freedmen D—455,
Charles Williams,	Cherokee Freedmen D—473,
John J. Rose,	Cherokee Freedmen D—474,
Jane Martin,	Cherokee Freedmen D—486,
Lena Peterson,	Cherokee Freedmen D—490,
Alex Johnson,	Cherokee Freedmen D—493,
Martha Vann,	Cherokee Freedmen D—495,
John Scott,	Cherokee Freedmen D—501,
Nancy Ross,	Cherokee Freedmen D—513,
Charles C. Smith,	Cherokee Freedmen D—514,
Susie Colbert,	Cherokee Freedmen D—520,
William Skaggs,	Cherokee Freedmen D—545,
Susie Johnson,	Cherokee Freedmen D—546,
Alfred P. Hopkins,	Cherokee Freedmen D—550,
Kizzie Vann,	Cherokee Freedmen D—552,
Freddie Looney,	Cherokee Freedmen D—573,
Lucy Chouteau,	Cherokee Freedmen D—584,
Alice Durant,	Cherokee Freedmen D—588,
Mahaley Ward,	Cherokee Freedmen D—608,
Fred D. Thomas,	Cherokee Freedmen D—650,
Bettie Beck,	Cherokee Freedmen D—665,
Ellis Warren,	Cherokee Freedmen D—667,
Millie Robinson,	Cherokee Freedmen D—674,
Mary Webber,	Cherokee Freedmen D—691,
Frances Martin,	Cherokee Freedmen D—692,
Mary Riley,	Cherokee Freedmen D—696,
Emanuel Taylor,	Cherokee Freedmen D—699,
Henry Sykes,	Cherokee Freedmen D—733,
Larkin P. Powell,	Cherokee Freedmen D—735,
Stepney Dawn,	Cherokee Freedmen D—736,
Malinda Vann,	Cherokee Freedmen D—741,
Frances Johnson,	Cherokee Freedmen D—742,
Annie Foster,	Cherokee Freedmen D—743,
Mary H. Rogers,	Cherokee Freedmen D—752,
George Washington Lane,	Cherokee Freedmen D—758,
Jane Brown,	Cherokee Freedmen D—760,

Samuel L. Young,	Cherokee Freedmen D—761,
John Buckner,	Cherokee Freedmen D—780,
Willie Cox,	Cherokee Freedmen D—781,
Leonard Bowles,	Cherokee Freedmen D—787,
Malinda Murrell,	Cherokee Freedmen D—788,
Charles Claggett,	Cherokee Freedmen D—789,
Samuel Irven,	Cherokee Freedmen D—793,
Mary Ross,	Cherokee Freedmen D—799,
Maggie Nave,	Cherokee Freedmen D—808,
Neoma Nave,	Cherokee Freedmen D—816,
Ella Ross,	Cherokee Freedmen D—840,
Elizabeth Duncan,	Cherokee Freedmen D—871,
Sadie Adams,	Cherokee Freedmen D—880,
Georgeann Archer,	Cherokee Freedmen D—901,
John Claggett,	Cherokee Freedmen D—912,
Hattie Smith,	Cherokee Freedmen D—923,
Jack Jackson,	Cherokee Freedmen D—938,
Lula Sanders,	Cherokee Freedmen D—973,
George Hazelrig,	Cherokee Freedmen D—987,
Lizzie West,	Cherokee Freedmen D—990,
Maria French,	Cherokee Freedmen D—1010,
Mary Johnson,	Cherokee Freedmen D—1039,
Maggie Vann,	Cherokee Freedmen D—1062,
William Hudson,	Cherokee Freedmen D—1067,
Sarah Rogers,	Cherokee Freedmen D—1078,
Abraham Ballard,	Cherokee Freedmen D—1082,
Laura David,	Cherokee Freedmen D—1085,
John Deekman,	Cherokee Freedmen D—1105,
James B. Perry,	Cherokee Freedmen R— 39,
Isaac Welch,	Cherokee Freedmen R— 45,
Lawson Logan,	Cherokee Freedmen R— 48,
George Howell,	Cherokee Freedmen R— 56,
Henry Mann,	Cherokee Freedmen R— 78,
George Adams,	Cherokee Freedmen R— 82,
Annie Thomas,	Cherokee Freedmen R— 83,
Lewis McConnell,	Cherokee Freedmen R— 86,
Callie Vann,	Cherokee Freedmen R— 94,
Lou Peters,	Cherokee Freedmen R— 96,
Ida Adair,	Cherokee Freedmen R— 99,
Robert Brown,	Cherokee Freedmen R—100,
Allie Chambers,	Cherokee Freedmen R—102,
Isom Jones,	Cherokee Freedmen R—104,
Alice Gunter,	Cherokee Freedmen R—105,
Katie Adair,	Cherokee Freedmen R—106,
Carrie Martin,	Cherokee Freedmen R—107,

Cherokee Freedmen R—196,
Cherokee Freedmen R—197,
Cherokee Freedmen R—198,
Cherokee Freedmen R—199,
Cherokee Freedmen R—200,
Cherokee Freedmen R—201,
Cherokee Freedmen R—202,
Cherokee Freedmen R—203,
Cherokee Freedmen R—204,
Cherokee Freedmen R—205,
Cherokee Freedmen R—206,
Cherokee Freedmen R—207,
Cherokee Freedmen R—208,
Cherokee Freedmen R—209,
Cherokee Freedmen R—210,
Cherokee Freedmen R—211,
Cherokee Freedmen R—212,
Cherokee Freedmen R—213,
Cherokee Freedmen R—214,
Cherokee Freedmen R—215,
Cherokee Freedmen R—216,
Cherokee Freedmen R—217,

DECISION.

It appears from the record herein that applications for enrollment as Cherokee citizens by intermarriage, were made to this Commission by William Davis for himself; by Harland Thomas for her husband, Henry Thomas; by Jim Vann for his wife, Ella Vann; by Sig Markham for his wife, Mary Markham; by Nathan Melton for his wife, Frances Melton; by Mary Dotson for her husband, John Dotson; by George W. Vann for his wife, Mary Jane Vann; by Thomas Lowe for himself; by Thomas Mayfield for his wife, Ella Mayfield; by James Rider for his wife, Sallie Rider; by Reuben Campbell for himself; by Van Jackson Luther for himself; by Tobe Midleton for his wife, Cassie Midleton; by Thomas Harlin for his wife, Mary Harlin; by John Fields for his wife, Nettie Fields; by John Kimbo for himself; by William N. Madden for himself; by Tobias Bean for his wife, Jane Bean; by Etta Thomas for her husband, Albert T. Thomas; by James Campbell for his wife, Mary Campbell; by Frank Daniels for his wife, Caroline Daniels; by Jim Alberty for his daughter-in-law, Melvina Alberty; by Sarah Morris for her husband, Dave Morris; by Jane Claggett for her husband, Alexander Claggett; by Payton Martin for his wife, Amanda Martin; by Charles Martin for his wife, Eliza Martin; by John E. Burnes for himself; by Joe Davis for his wife, Bell Davis; by Ellen Brown for her husband, Samuel Brown; by Mary Ann Watson for her husband, Howard Watson; by Jack McConnell for himself; by Minnie Hanby for herself; by George Reed, Sr., for himself; by Buck Ledman for himself; by Ben Thompson for herself; by Lewis Scott for himself; by Abe Scott for

himself; by Kesler Langston for himself; by Thomas E. Allen for himself; by Lewis Vanderford for himself; by Elizabeth Bowlin for her husband, John L. Bowlin; by John D. Davis for his wife, Katie Davis; by Charles Williams for himself; by John J. Rose for himself; by David Martin for his wife, Jane Martin; by Fred Peterson for his wife, Lena Peterson; by Martin Johnson for her husband, Alex Johnson; by Joseph Vann for his wife, Martha Vann; by John Scott for himself; by Steve Looney for Nancy Ross; by Charles C. Smith for himself; by James Colbert for his wife, Susie Colbert; by Rosanna Skaggs for her husband, William Skaggs; by Susie Johnson for herself; by Alfred P. Hopkins for himself; by Charles Vann for his wife, Kizzie Vann; by Jake Looney for his wife, Freddie Looney; by Lucy Chouteau for herself; by Alice Durant for herself; by Alonzo Ward for his wife, Mahaley Ward; by Fred D. Thomas for himself; by Benjamin Beck for his wife, Bettie Beck; by Ellis Warren for himself; by William Henry Robinson for his wife, Millie Robinson; by Josh Webber for his wife, Mary Webber; by Otis Martin for his wife, Frances Martin; by Ed Riley for his wife, Mary Riley; by Emanuel Taylor for himself; by Henry Sykes for himself; by Larkin P. Powell for himself; by Stepney Dawn for himself; by Ellis Vann for his wife, Malinda Vann; by David Johnson for his wife, Frances Johnson; by Phillip Foster for his wife, Annie Foster; by Houston Rogers, Jr., for his wife, Mary H. Rogers; by George Washington Lane for himself; by Silas Hammer Brown for his wife, Jane Brown; by Samuel L. Young for himself; by Lizzie Buckner for her husband, John Buckner; by Sarah Cox for her husband, Willis Cox; by Susan Bowles for her husband, Leonard Bowles; by Henry Murrell for his wife, Malinda Murrell; by Charles Claggett for himself; by Samuel Irvan for himself; by David Ross for his wife, Mary Ross; by George E. Nave for his wife, Maggie Nave; by Lewis Armstead Nave for his wife, Neoma Nave; by Perry Ross for his wife, Ella Ross; by Elizabeth Duncan for herself; by Perry Adams for his wife, Sadie Adams; by Thomas Archer for his wife, GeorgeAnn Archer; by Nancy Claggett for her husband, John Claggett; by Sonny Smith for his wife, Hattie Smith; by Jack Jackson for himself; by John Sanders for his wife, Lula Sanders; by Mary Hazelrig for her husband, George Hazelrig; by George West for his wife, Lizzie West; by Maria French for herself; by Mary Johnson for herself; by Maggie Vann for herself; by William Hudson for himself; by Sarah Rogers for herself; by Abraham Ballard for himself; by King David for his wife, Laura David; by John Deckman for himself; by James B. Penn for himself; by Isaac Welch for himself; by Nancy Logan for her husband, Lewson Logan; by Maria Howell for her husband, George Howell; by Amanda Masir for her husband, Henry Masir; by Katie Adams for her husband, George Adams; by Willie Thomas for his wife, Annie Thomas; by Lewis McCosken for himself; by Josh Vann for his wife, Callie Vann; by Lon Peters for herself; by Robert Adair for his wife, Lee Adair; by Josie Brown for her husband, Robert Brown; by Mat Chambers for his wife, Allie Chambers; by Rachel Jones for her husband, Isom Jones; by Lewis Gunter for his wife, Alice Gunter; by Amos Adair for his wife, Katie Adair; by William H. Martin for his wife, Carrie Martin; by Benjamin Clark for himself; by Emily Looney for herself; by Mary Graves for her husband, John Graves; by Butler McNair for his wife, Matilda McNair; by Bettie Vann for herself; by Nelson Lett for himself; by Allen Rogers for his wife, Fannie Rogers; by William Washington for himself; by Squire Warren Owens for himself; by Fannie Goldsby for herself; by Charles Daniels for his wife, Susan Daniels; by Rachel Turk for her husband, Anderson Turk; by David Ladd for himself; by Belle McClain for himself; by Henderson Justis for himself; by Isaac Vann for his wife, Belle Vann; by Maggie Stroud for her husband, Levi Stroud; by John Sumpter for himself; by Mariah Thompson for herself; by Ellen Sheppard for herself; and by Lula Melton for herself, claiming their right thereto by virtue of their marriage to Freedmen Cherokee citizens.

The record further shows that none of the applicants herein make any claim to enrollment as citizens of the Cherokee Nation other than as set forth above.

It further appears from the record herein that at the time applications were made for the enrollment of the above named applicants, application was also made for the enrollment of other applicants as Cherokee Freedmen, but said applications being differently classified are not included in this decision.

It does not appear that any of the applicants herein are identified upon the 1880 Authenticated Cherokee Roll, nor does it appear that any of said applicants has ever been admitted to Cherokee citizenship by a duly constituted court or committee of the Cherokee Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321).

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Lemuel Welcome, (I. T. D. 5848-1904, 11,776-1904), the applications made for the enrollment of William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Midleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Melinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Alfie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington,

Squire Warren Curtis, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Veal, Levi Stroud, John Sampter, Moniah Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by intermarriage, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[SIGNED] TAMS BIXBY,
Chairman.

[SIGNED] T. B. NEEDLES,

[SIGNED] C. R. BRECKINRIDGE,
Commissioner.

MUSKOGEE, INDIAN TERRITORY, JANUARY 19, 1905.

COPY

Cherokee Freedman
D-206 et al.

Muskogee, Indian Territory, January 24, 1905.

Edgar Smith,
Attorney for Jane Bean et al.,
Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting, among others, the applications for the enrollment of Jane Bean, Albert T. Thomas, Melvina Alberty, Alexander Claggett, Amanda Martin, Maud Manley, Katie Davis, Charles Williams, John J. Rose, Alex Johnson, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Mahalay Ward, Millie Robinson, Frances Martin, Mary Riley, Samual Irven, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Ida Adair, Robert Brown, Isom Jones, Alice Gunter, Katie Adair, Susan Daniels, and Levi Stroud as Cherokee citizens by intermarriage.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED. Tams Bixby
Chairman.

Encl. E-142.
Register.

COPY.

Cherokee Freedmen

R-190.

Muskogee, Indian Territory, January 24, 1905.

Robert Brown,

Welch, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage. A copy of the Commission's decision has this day been forwarded to your attorney, Edgar Smith, Vinita, Indian Territory.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED. Tams Bixby.

Chairman.

Incl. R-84.

Register.

COPY.

Cherokee Freedmen
D-34 et al.

Muskogee, Indian Territory, January 24, 1905.

Ball, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Baldwin, John Rogers, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Callie Starr, Reuben Campbell, Van Jackson Lathey, Georgia Middleton, Mary Martin, Nellie Fields, John Kirby, William F. Vann, Jane Penn, Albert V. Thomas, Mary Campbell, Caroline Daniels, Hayden Sherry, [illegible] Harris, [illegible], Emmie Martin, Ella Martin, John E. Rogers, [illegible] Lewis, Russell Brown, Bruce F. Vann, Jane McDonald, Kansas [illegible], George Hall, Sr., Jane Latham, Will Thompson, Louis Scott, [illegible] Beaver, Frankie Langston, Thomas E. Allen, Lucie Vanderpool, John T. Jewell, Katie Davis, Charles Williams, John F. Rogers, Jane Martin, Anna Peterson, Alex Vinson, Martha Vann, John Scott, Nancy Vann, Charles H. Smith, Emmie Gilbert, William Young, Susie Johnson, Alfred P. Hughes, Minnie Vann, Frankie Lawson, Lucy

Cheuteau, Alice Durant, Wahsley Ward, Fred D. Thomas, Bettie Nash, Ellis Warren, Millie Robinson, Mary Weber, Frances Martin, Mary Riley, Emanuel Taylor, Monty Sykes, Lucian P. Powell, Stephen Dunn, Malinda Venn, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Worrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nash, Monka Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hamblrig, Lizzie West, Maria French, Mary Johnson, Maggie Venn, William Hudson, Sarah Rogers, Morgiana Ballard, Laura David, John Dunlavy, Agnes B. Perry, Isaac Welch, Lawson Logan, George Worrell, Henry Mahr, George Adams, Annie Thomas, Lewis McConnell, Callie Venn, Lee Peters, Ida Adair, Robert Brown, Ellis Chambers, Ann Jones, Alice Gaither, Hattie Adair, Cyrus Martin, Benjamin Clark, Billy Barney, John Stevens, Matilda Mahar, Nettie Venn, Nelson Lett, Fannie Rogers, William Washington, Sydney Warren Jones, Pamela Golightly, Susan Daniels, Anderson Bush, Jerry Lane, Felix Nichols, Henderson Jones, Hallo Venn, Levi Mount, John Napier, Hannah Thompson, Nelson Sheppard and Lula Bailey, as Cherokee citizens by intermarriage.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the

necessary will be made known to you as soon as the conclusion is [illegible] of the same.

Respectfully,

(SIGNED). Jamie Bixby.
[illegible]

Incl. X-9.

COPY.

Cherokee Freedmen
2-16 et al,

Muskogee, Indian Territory, January 24, 1905.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted record of proceedings had in the matter of the applications for the enrollment of, William Reid, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Mason, Mary Jane Vann, Thomas Lewis, Ella Mayfield, Phillis Ridge, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Lucy Hamlin, Phillis Fields, John Kimbo, William S. Hudson, Jerry Bond, Albert T. Thomas, Mary Campbell, Caroline Mitchell, McKinzie Flaherty, Jane Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnum, Bell Davis, Samuel Brown, Edward F. Watson, Frank Kaufmann, Linda Manley, George Reed, Sr., Dock Redmon, Bell Thompson, Linda Scott, Joe Scott, Reuben Hampton, Thomas E. Allen, Lewis Vaughnford, John L. Hamlin, Katie Davis, Charles Williams, John J. Nash, Jane Martin, Lena Bateman, Alex Johnson, Maggie Vann, John Smith, Nancy Reed, Charles C. Smith, Susie Gilbert, William Hudson, Susie Johnson, Alfred F. Hopkins, Minnie Vann, Franklin Lewis, Lucy Masterson, Alice Durant, Mahaley Nash, John D. Thomas, Nettie Nash, Ellis Warren, Willie Robinson, Mary Bridges,

Frances Martin, Mary Riley, [illegible] Taylor, [illegible], [illegible] P. Powell, Stepney Owen, Malinda Vann, Frances Johnson, Angie [illegible], Mary E. Rogers, George Washington Lane, [illegible] Brown, [illegible] Young, John Bunkner, Willis Cox, Leonard Bowles, Malinda Worrell, Charles Claggett, Samuel Irven, Mary Rose, Maggie Rave, [illegible], Ellis Rose, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John [illegible], Hattie Smith, Jack Jackson, Lula Sanders, George Hamilrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, [illegible] Rogers, Abraham Ballard, Laura David, John [illegible], James B. Perry, Isaac Welch, Hawson Logan, George Rowell, Henry Wade, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Hobert Brown, Allie Chambers, Iona Sharp, Alice [illegible], Katie Adair, Carrie Martin, Benjamin Clark, Emily Lowry, John Groves, Matilda McNair, Bettie Vann, Nelson Lott, Fannie Wyatt, William Washington, Squire Warren Owens, Minnie Gilbert, Roger Daniels, Anderson Turk, David Lane, Felix McShane, [illegible] Jones, Sallie Vann, [illegible] Stroud, John Sumpter, Maria Hampton, Ellen Sheppard and Lula Melton, as Cherokee citizens by intermarriage, including the Commission's decision dated January 19, 1906, rejecting said applications.

Respectfully,

(SIGNED) Tams Bixby.
[illegible]

Inml, K-6.
Through the
Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, March 20, 1905.

Refer in reply
to the following:
Land.
7908-1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 26, 1905, transmitting the record of the application for enrollment as Cherokee citizens by intermarriage to Cherokee freedmen by William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Nelson, John Deters, Mary Jane Vann, Thomas Love, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kinbo, William S. Madden, Jane Beam, Elbert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Harris, Alexander Sleggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Wande Manley, George Reed, Sr., Buck Rodman, Bell Thompson, Lewis Scott, Abe Scott, Kender Langton, Thomas R. Allen, Lewis Vanderford, John L. Doyle, Hattie Davis, Charles Williams, John J. Rowe, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, Jane Scott, Nancy Keys, Charles C. Smith, Susie Calbert, William Gregory, Annie Johnson, Alfred P. Hopkins, Missie Vann, Freddie Looney, Lucy Gentry, Alice Durant, Shirley Ward, Fred D. Redmond, Hattie Rowe,

Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Lavina P. Powell, Virginny Dunn, Malinda Vann, Frances Johnson, Annie Foster, Mary M. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Gee, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Bone, Maggie Vann, Mile Rees, Elizabeth Dawson, Sadie Adams, Georgeann Archer, John Claggett, Nettie Smith, Jack Jackson, Lula Sanders, George Haselrig, Minnie West, Mariah Truesdale, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Beckham, James B. Parry, Isaac Welch, Lawson Logan, George Howell, Henry Nasir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lott, Minnie Rogers, William Washington, Squire Warren Owens, Minnie Gentry, Emma Daniels, Anderson Funk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Hampton, Mariah Thompson, Ellen Sheppard, and Lula Nelson.

January 19, 1905, the Commission decided adversely to all the applicants.

The record shows that none of the applicants makes claim to enrollment as citizens of the Cherokee Nation, except by intermarriage with a Cherokee Freedman; that none has ever been enrolled or admitted to citizenship by any tribal authority of the Cherokee Nation or by any United States tribunal and that none

is identified on the 1880 authenticated Cherokee roll.

In view of the record and of the ruling of the Department of November 22, 1904 (I. T. D. 3048-1904) in the Lemhel Valeunt case, the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

M.M.M.
W.

(C O P Y)

D.C. 20877-1905
I.T.D. 2904-1905.

W C P
P H E

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

L R S

April 17, 1905

Commission tothe Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

January 24, 1905, you transmitted the record in the matter of the applications for the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation including your decision of January 19, 1905, rejecting said applications, viz:

William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Welton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Martin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty , Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John R. Barnes, Bell Davis, Samuel Brown, Howard B. Watson, Jack McConnell, Maude Manley , George Reed,Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Knott, Nander Lampton, Thomas H. Allen Lewis Vanderford, John L. Rowlin, Katie Davis, Charles Williams, John F. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann,

John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Nettie Rock, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Humphrey Vann, Malinda Vann, Frances Johnson, Annie Foster, Mary M. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Duncan, Willis Cox, Leonard Bowles, Malinda Burrell, Charles Glasgow, Samuel Irven, Mary Ross, Maggie Nave, Emma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claypool, Nettie Smith, Jack Jackson, Lula Sanders, George Mansfield, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Dickman, James B. Perry, Isaac Welch, Lawson Logan, George Powell, Henry Nasir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Orr Vos, Matilda McNair, Bettie Vann, Nelson Lott, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Miles Sheppard, and Lula Melton.

Reporting in the matter March 21, 1906, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) THOS. RYAN
Acting Secretary.

1 inclosure.

COPY.

Cherokee Freedmen

R-100.

Muskogee, Indian Territory, April 28, 1905.

Robert Brown,

Welch, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1906, rejecting, among others, the application for the enrollment of yourself as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

COPY.

Cherokee Freedmen

R-100.

Muskogee, Indian Territory, April 28, 1905.

Edgar Smith,

Attorney for Robert Brown,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting, among others, the application for the enrollment of Robert Brown as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

COPY.

Cherokee Freedmen
D-14, et al.
Muskogee, Indian Territory, April 28, 1905

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

COPY.

Cherokee Freedmen
D-16, et al.

Muskogee, Indian Territory, April 28, 1906.

Commissioner in Charge,
Cherokee Land Office,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1906, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1906.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

ENROLLMENT REFUSED.

CHEROKEE FREEDMAN.

R 160

IN THE MATTER OF THE APPLICATION OF

Robert Brown

FOR ENROLLMENT AS

CHEROKEE FREEDMEN

A. Original testimony May 31-1901.

B. Mem. of application " "

C. ~~Marriage certificate~~ and License. Certified copy of.

Do Cherokee Freedmen Docket No 8449

Cher Fr R 101

Cher Fr R 101

REJECTED, as to wife, Mary, and DOUBTFUL, as to child, Charles C.Jr.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., May 31,1901.

In the matter of the application of Ed Chambers for the enrollment of himself, wife and one child as Cherokee Freedmen; being sworn and examined by Commissioner Breckinridge, he testified as follows:

Q Give me your name? A Ed Chambers.
Q How old are you? A 22.
Q What is your post-office? A Coffeyville.
Q In what district do you live? A Cooweescoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir
Q Do you want to apply for anybody besides yourself? A My wife and one child.
Q Does your wife claim the right of herself? A Yes sir.
Q How long have you lived in the Cherokee nation? A All my life.
Q Give me the name of your father? A Charles Chambers.
Q Is he alive? A Yes sir.
Q Give me the name of your mother? A Caroline Chambers.
Q Is she alive? A Yes sir.
Q Give me the name of your wife? A Mary Chambers.
Q How old is your wife? A 21.
Q How long has she lived in the Cherokee nation? A I don't know.
Q Does she claim to have lived here all her life? A Why I guess so.
Q How long have you known her? A About five years.
Q Has she lived here as far as you know all the time? A Yes sir.
Q Give me the name of her father? A Thomas Ross.
Q Is he alive? A Yes sir.
Q Give me the name of your wife's mother? A Hattie Ross.
Q Is she alive? A Yes sir.
Q When were you and your wife married? A Last May a year ago.
Q Have you a certificate of your marriage? A I think I have, some kind. (Produces papers.)

Com'r: The applicant presents a certificate showing that he and his wife were united in marriage on the 21st day of May, 1900, by the Rev. S. D. Brown; this is filed herewith.

Q Give me the name of your child? A Charles C. Chambers Jr.
Q How old is this child? A 2 years old.
Q This child was born before you and your wife were married?
A Yes sir.
Q About a year? A Yes, about a year I guess.
Q Is that your child? A That's what she said.
Q And you claim it as your own child? A Yes sir.

1890 authenticated roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows: page 83 #899 Eddie Chambers, Cooweescoowee Dist, adopted 6ol's 1890 authenticated roll of citizens of the Cherokee Nation examined for applicant's wife, and her parents, and names not found thereon.

1896 census roll of citizens of the Cherokee Nation examined for applicant and identified thereon as follows: page 399 #88 Eddie Chambers, Cooweescoowee District.

1896 census roll of citizens of the Cherokee nation examined for applicant's wife, and name not found.

Q Did your wife know Starp money? A I don't think she did; I think her name was lost.

Kerns-Clifton roll of citizens of the Cherokee Nation examined for applicant's wife, and name not found thereon.

Q Has your wife any brothers or sisters? A She has a sister, Nancy
Q Is she older than your wife? A Yes, sir, she is about 40 I guess.
A

Wallace roll of citizens of the Cherokee Nation examined and applicant's wife not found thereon.

Q Were you ever married except to this wife? A No sir.
Q Was she ever married except to you? A No sir, I don't think she have; she was nothing but a girl when I got acquainted with her, and she said she never was married.

Com'r Breckinridge: The applicant applies for the enrollment of himself, his wife and one child; the applicant is identified on the rolls of 1880 and 1896 as a Cherokee Freedman; he has lived in the Cherokee Nation all his life and he will be listed for enrollment as a Cherokee Freedman; his wife is shown to have married him in May 1900; he claims that she is a freedman of her own right; she is not identified on the roll of 1880 or on that of 1896 or on the Kerns-Clifton roll or on the Wallace roll; neither is her father or mother identified on the roll of 1880, though both were living at that time; there is no other ground at this time to support the claim that his wife is entitled to enrollment of her own right; as regards any claim that she might have by intermarriage, it appears that neither she nor the applicant was ever married prior to their present marriage, and therefore they are lawfully married, but their marriage is too late, under the Cherokee law of December 16, 1895, to entitle her under any theory of married rights for Freedmen to enrollment at this time.

The application for her enrollment therefore is rejected.

As for their child, Charles C. Chambers, jr.; this child is said to be two years old, and to have been born about one year prior to the marriage between the applicant and the child's mother; he is desired to supply the Commission with a certificate of birth of this child and it will be listed for enrollment as a Cherokee Freedman on a doubtful card for the to consider whether their subsequent marriage and in view of the fact that he claims to be the father of the child, entitles the child to enrollment at this time;

The final decision of the Commission in regard to the rights of this child will be made known to the applicant at his post-office address.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D. Green

Subscribed and sworn to before me this June 1st, 1901.

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAY 31 1901

ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date May 31, 1901

Post Office Coffeyville Kas

District Verdigris

1. Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father Rejected Citizenship .....

Mother ..... Citizenship .....

1 2 Name of wife Mary Chambers Age 21

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father Tom Ross, living Citizenship .....

Mother Hattie " " Citizenship .....

Names of Children:

2. ~~Charles Chambers~~ Year ~~Page~~ ~~No.~~ ~~Dist.~~ 2

4. ..... Year Page No. Dist.

5. ..... Year Page No. Dist.

6. ..... Year Page No. Dist.

7. ..... Year ~~Page~~ ~~No.~~ Dist.

8. ..... Year ~~Page~~ No. Dist.

9. ..... Year ~~Page~~ ~~No.~~ Dist.

10. ..... Year ~~Page~~ ~~No.~~ Dist.

11. ..... Year Page No. Dist.

12. ..... Year Page No. Dist.

Application made by Ed. Chambers (husband) Stenographer M. D. Green

~~2 Affidavit of birth to be supplied~~

Marriage cert. attached

N. B.

CHB

Cherokee Freedman R 101.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Mary Chambers as a Cherokee Freedman.

--:--

D E C I S I O N.

THE RECORDS OF THIS OFFICE SHOW: That at Chelsea, Indian Territory, on May 31, 1901, Ed Chambers appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of his wife, Mary Chambers, among others, as a Cherokee Freedman. The others included in said application have been heretofore disposed of and their rights to enrollment will not be considered in this decision.

The testimony of Ed Chambers, taken at Chelsea, Indian Territory, on May 31, 1901, fails to show that Mary Chambers is a descendant of a Cherokee Freedman and entitled to enrollment as such, and after ample opportunity having been afforded the said Mary Chambers to appear and establish by satisfactory evidence her right to enrollment as a Cherokee Freedman, she has failed to do so, or to show any right whatever to citizenship in the Cherokee Nation. Said applicant cannot be identified on any roll of citizens of the Cherokee Nation in the possession of this office.

IT IS THEREFORE, ORDERED AND ADJUDGED: That following the ruling of the Department in the cases of Eliza Bryant, (I.T.D. 544-04), William Rector (I.T.D. 1468-04), Minnie Duncan et al.(I.T.D. 1470-04), Samantha Chambers (I.T.D. 2296-04), and Moses Ross (I.T.D. 6056-04), under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), Mary Chambers is not entitled to enrollment as a Cherokee Freedman and her application for enrollment as such is accordingly denied.

COMMISSIONER.

Dated at Muskogee, Indian Territory,
this DEC 27 1905

P-B-201.

THIS CERTIFIES

THAT

EDDY BIBLE

Edward Chambers, of Coffeyville, Kans and Mary Ross of Coffeyville Kans

WERE UNITED IN MARRIAGE BY ME

According to the Ordinances of God and the laws of the State of Kansas at Snow Creek I. T. on the 21st day of May in the year 1900.

Witness:

Thomas Ross

Mattie Ross

E. D. Brown,

Minister.

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, I. T. July 16, 1902.

I, Frances S. Botefuhr, stenographer to the above named Commission do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for enrollment of Edward Chambers, as a citizen of the Cherokee Nation.

Frances S. Botefuhr

Cherokee R-101

Muskogee, Indian Territory, July 16, 1902.

Ed. Chambers,

Coffeyville, Kansas,

Dear Sir:

As requested in your letter of July 15, there is enclosed you herewith your marriage license and certificate, showing your marriage to Miss Mary Ross. A copy of same has been made and retained in the Commission's files.

Yours truly,

Acting Chairman.

Encl. R-62.

Cherokee Freedmen
R 101

Muskogee, Indian Territory, February 25, 1904.

Mary Chambers,

Coffeyville, Kansas.

Dear Madam:

In the matter of your application for enrollment as a Cherokee Freedman you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to whether or not your parents were Cherokee Freedmen and entitled to enrollment as such; also further testimony as to your right to enrollment.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Tuesday April 5, 1904, and introduce testimony as above requested.

Respectfully,

Commissioner in Charge.

MDG

COMMISSIONERS
TAMS BIXBY,
THOMAS B NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY,

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
R 101

Muskogee, Indian Territory, February 26, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of Mary Chambers for enrollment as a Cherokee freedman you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to whether applicant's parents were Cherokee Freedmen and entitled to enrollment as such; also further testimony as to her right to enrollment.

The said Mary Chambers has, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Tuesday April 5, 1904, and introduce testimony as above requested.

The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, December 27, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Mary Chambers as a Cherokee freedman, including the Commissioner's decision dated December 27, 1905, rejecting said application.

Respectfully,

Incl. S-13 Commissioner.

Through the
Commissioner of Indian Affairs.

Cherokee Freedmen

R-101.

Muskogee, Indian Territory, December 27, 1905.

Mary Chambers,

Coffeyville, Kansas.

Dear Madam:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated December 27, 1905, rejecting the application for the enrollment of yourself as a Cherokee freedman.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

Commissioner.

Incl. S-11
Register

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedman
R-101.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 27, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated December 27, 1905, rejecting the application for the enrollment of Mary Chambers as a Cherokee freedman.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

Incl. S-12

Commissioner.

COPY

LAND:
146-1906

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON.

May 17, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated December 27, 1905, transmitting the record of the application for enrollment as a Cherokee Freedman by Mary Chambers.

December 27, 1905 the Commissioner decided adversely to the applicant.

The record shows that though afforded ample opportunity the applicant has failed to show by satisfactory evidence any right to citizenship in the Cherokee Nation nor can she be identified on any roll of the Cherokee Nation.

In view of the record the approval of the Commissioner's decision adverse to the applicant is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner

MMM
C

W.P.

DEPARTMENT OF THE INTERIOR,

WASHINGTON. THE.

D.C. 20734
I.T.D. 9052-1906.

May 22, 1906.

L.R.S.

The Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

December 27, 1905, you transmitted the record in the matter of the application for the enrollment of Mary Chambers as a Cherokee freedman, including your decision of the same date, rejecting said application.

Reporting May 17, 1906, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

1 inclosure.

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedman.
R-101

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 8, 1906.

Mary Chambers,
Coffeyville, Kansas.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated December 27, 1905, rejecting your application for enrollment as a Cherokee Freedman, was affirmed by the Secretary of the Interior, May 22, 1906.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

LMC
Incl. C-12

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen.
R-101

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 8, 1906.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated December 27, 1905, rejecting the application of Mary Chambers for enrollment as a Cherokee Freedman, was affirmed by the Secretary of the Interior, May 22, 1906.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

LMC
Incl. C-13

A. L. 101

Mary Chambers

Affidavit showing whether or not applicants parents were Cherokee Freedmen who complied with treaty of 1866

Mac

Coffeyville, Kansas.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

576

20861

Unclaimed

Mary Chambers,

Coffeyville, Kansas.

2330

Montgomery

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

General Office Cherokee Div

Advising that Commission cannot render decision in application for enrollment as Cherokee Freedman without further testimo and directs appearance for that purpose.

[redacted] General Delivery,
FEB 27 1904
COFFEYVILLE KANS

Mary Chambers,

Coffeyville, Kansas.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

Unclaimed.

424 10620 10346

REGISTERED
JAN 19 1905
MUSKOGEE, IND. TER.

Mary Chambers,

Care of [redacted]

Coffeyville, Kansas.

FEB 27 1905

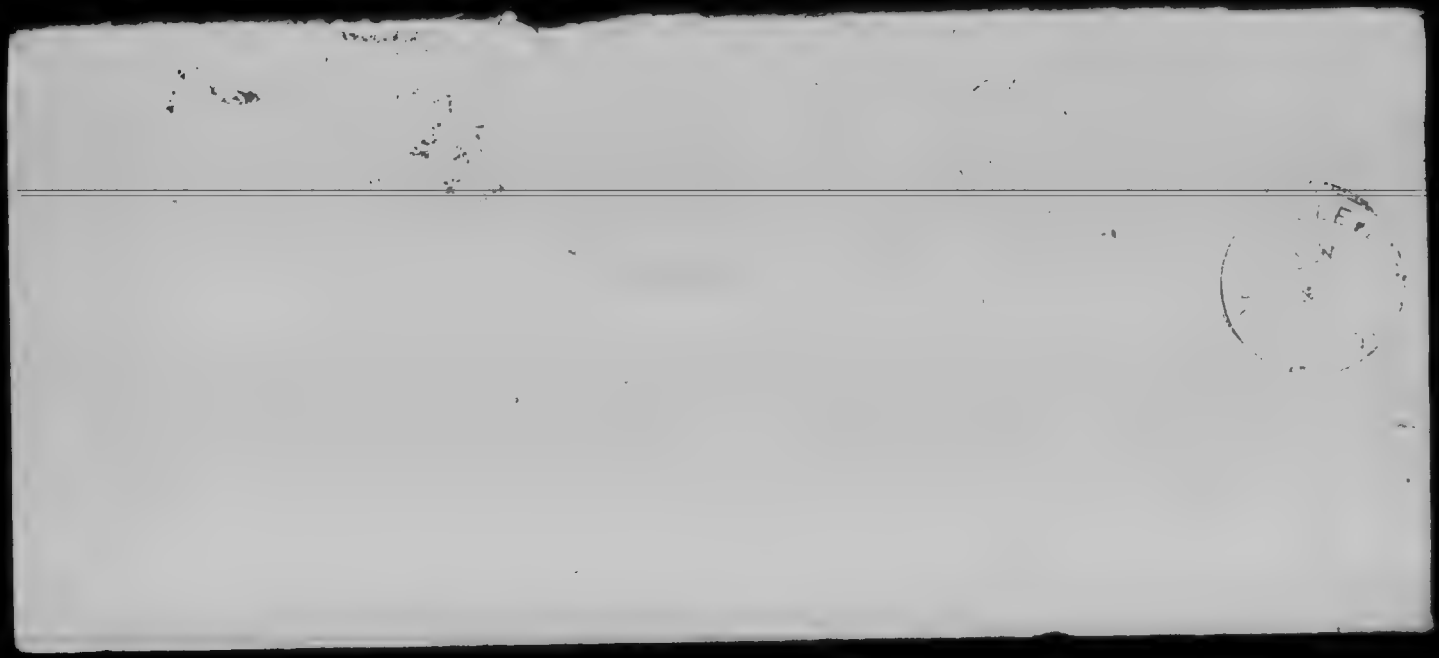
Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOCEE, IND. TER.





ENROLLMENT BUREAU

CHEROKEE FREEDMAN. 101

Dean

IN THE MATTER OF THE APPLICATION OF

Mary L Chambers

FOR ENROLLMENT AS

CHEROKEE FREEDMEN

A Original testimony May 31-'01

B. Trans of application " "

C. Marriage Certificate

See Cherokee Freedmen Docket

No 933 + 934

Cher Fr R 102

Cher Fr R 102

FILED
JUN 1 1901

REJECTED, as to wife, Allie.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., May 31,1901.

In the matter of the application of Mat Chambers for the enrollment of himself and one child as Cherokee Freedmen, and for the enrollment of his wife as an intermarried Cherokee Freedman; being sworn and examined by Commissioner Breckinridge he testified as follows:

Q Give me your name? A Mat Chambers.
Q How old are you? A 28
Q What is your post-office? A Coffeyville.
Q In what district do you live? A Coowescoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir.
Q Do you want to enroll anybody besides yourself? A My wife and one child.
Q How long have you livedin the Cherokee Nation? A All my life.
Q Give me the name of your father? A Charles Chambers.
Q Is he alive? A Yes sir.
Q Give me the name of your mother? A Caroline Chambrs.
Q Is she live? A Yes sir.
Q Give me the name of your wife? A Allie.
Q How old is your wife? A 22.
Q Is she a Cherokee Freedman of her own right? A No sir.
Q Just by marriage? A Yes sir.
Q Give me the name of her father? A Jake Renfrew.
Q Is he alive? A Yes sir.
Q Give me the name of your wife's mother? A Samantha.
Q Is she alive? A No sir, she is dead.
Q When were you and your wife married? A Married 22nd of March, 1897.
Q HAve you a certificate of marriage? A Yes sir. (Produces papers.)

Com'r: The applicant presents a certificate showing that he and his wife were married, as stated by him, the ceremony being performed by the Rev. William Stanford; this is filed herewith.

Q Were you ever married except to this wife? A No sir.
Q Was she ever married except to you? A No sir.
Q Have you and she lived together ever since you were married?
A Yes sir.
Q Give me the name of your child? A Leroy.
Q How old is the child? A It was born December 11 1899.
Q The child is living now is he? A Yes sir.

1880 authenticated roll of citizens of the Cherokee nation examined and applicant identified thereon as follows:
page 83 #609 Mc Chambers, Coowescoowee District, adopted colored, five years old.

Q You didn't have any Mc in your family? A No sir.
Q That's meant for you, Mat? A Yes sir.

1896 census roll of citizens of the Cherokee nation examined and applicant not found thereon.

Kerns-Clifton pay roll of citizens of the Cherokee nation examined and applicant identified as follows:
page 23 #668 Mat Chambers, Coowescoowee District.

Com'r Breckinridge: The applicant applies for the enrollment of himself, his wife and one child; he is identified on the roll of 1880 and on the Kerns-Clifton roll, as a Cherokee Freedman; he has lived in the Cherokee nation all his life, and he will be listed for enrollment as a Cherokee Freedman;

Mat Chambers et al 2

He applies for his wife, as an intermarried Freedman; she possessing no right of herself; it is shown that they were lawfully married on March 22, 1897, but too late to entitle her to under any theory of the case to be enrolled at this time in accordance with the Choctaw law of December 16, 1895; therefore, the application for the enrollment of the applicant's wife is listed for rejection;

The child, Leroy Chambers, is too young to be upon any roll; and is shown to have been born in lawful wedlock; this child will now be listed for enrollment as a Choctaw Freedman, and the applicant is desired to supply the Commission with a proper certificate of its birth.

********_____******

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this June 1st, 1901.

Commissioner.

No. 174 1902.

DEPARTMENT OF [illegible]
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
MAY 31 1901

[signature]
Acting C[illegible]

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date May 21, 1901

Post Office Coffeyville, Kas,

District Coo

1. Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father Reported Dead Citizenship .....

Mother ..... Citizenship .....

2. Name of wife Allie Chambers Age 22

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father Jake Rentroe — living Citizenship .....

Mother Samantha " — dead Citizenship .....

Names of Children:

3. ..... Year ..... Page ..... No. ..... Dist. .....

4. ..... Year ..... Page ..... No. ..... Dist. .....

5. ..... Year ..... Page ..... No. ..... Dist. .....

6. ..... Year ..... Page ..... No. ..... Dist. .....

7. ..... Year ..... Page ..... Dist. .....

8. ..... Year ..... Page ..... Dist. .....

9. ..... Year ..... Page ..... No. ..... Dist. .....

10. ..... Year ..... Page ..... No. ..... Dist. .....

11. ..... Year ..... Page ..... No. ..... Dist. .....

12. ..... Year ..... Page ..... No. ..... Dist. .....

MAY 31 1901

Application made by Matt Chambers (husband) Stenographer M. D. Green

May 9, 934

Department of the Interior.

Commission to the Five Civilized Tribes.

In the matter of the application for enrollment of William Davis, et al, as citizens by intermarriage of the Cherokee Nation, consolidating the applications of:

William Davis,	Cherokee Freedmen D— 14,
Henry Thomas,	Cherokee Freedmen D— 58,
Ella Vann,	Cherokee Freedmen D— 70,
Mary Markham,	Cherokee Freedmen D—109,
Frances Melton,	Cherokee Freedmen D—110,
John Dotson,	Cherokee Freedmen D—111,
Mary Jane Vann,	Cherokee Freedmen D—115,
Thomas Lowe,	Cherokee Freedmen D—119,
Ella Mayfield,	Cherokee Freedmen D—124,
Sallie Rider,	Cherokee Freedmen D—147,
Reuben Campbell,	Cherokee Freedmen D—167,
Van Jackson Luther,	Cherokee Freedmen D—174,
Cassie Midleton,	Cherokee Freedmen D—178,
Mary Harlin,	Cherokee Freedmen D—179,
Nellie Fields,	Cherokee Freedmen D—183,
John Kimbo,	Cherokee Freedmen D—198,
William S. Madden,	Cherokee Freedmen D—199,
Jane Bean,	Cherokee Freedmen D—205,
Albert T. Thomas,	Cherokee Freedmen D—210,
Mary Campbell,	Cherokee Freedmen D—219,
Caroline Daniels,	Cherokee Freedmen D—252,
Melvina Alberty,	Cherokee Freedmen D—257,
Dave Morris,	Cherokee Freedmen D—258,
Alexander Chiggett,	Cherokee Freedmen D—300,
Amanda Martin,	Cherokee Freedmen D—304,
Eliza Martin,	Cherokee Freedmen D—317,
John E. Barnes,	Cherokee Freedmen D—318,
Bell Davis,	Cherokee Freedmen D—335,
Samuel Brown,	Cherokee Freedmen D—345,
Howard F. Watson,	Cherokee Freedmen D—347,
Jack McConnell,	Cherokee Freedmen D—349,
Maude Manley,	Cherokee Freedmen D—359,

George Reed, Sr.,	Cherokee Freedmen D—382,
Buck Ledman,	Cherokee Freedmen D—406,
Bell Thompson,	Cherokee Freedmen D—411,
Lewis Scott,	Cherokee Freedmen D—420,
Abe Scott,	Cherokee Freedmen D—421,
Kender Lampton,	Cherokee Freedmen D—423,
Thomas E. Allen,	Cherokee Freedmen D—424,
Lewis Vanderford,	Cherokee Freedmen D—426,
John L. Bowlin,	Cherokee Freedmen D—444,
Katie Davis,	Cherokee Freedmen D—455,
Charles Williams,	Cherokee Freedmen D—473,
John J. Rose,	Cherokee Freedmen D—474,
Jane Martin,	Cherokee Freedmen D—486,
Lena Peterson,	Cherokee Freedmen D—490,
Alex Johnson,	Cherokee Freedmen D—493,
Martha Vann,	Cherokee Freedmen D—495,
John Scott,	Cherokee Freedmen D—501,
Nancy Ross,	Cherokee Freedmen D—513,
Charles C. Smith,	Cherokee Freedmen D—514,
Susie Colbert,	Cherokee Freedmen D—520,
William Skaggs,	Cherokee Freedmen D—545,
Susie Johnson,	Cherokee Freedmen D—546,
Alfred P. Hopkins,	Cherokee Freedmen D—550,
Kizzie Vann,	Cherokee Freedmen D—552,
Freddie Looney,	Cherokee Freedmen D—573,
Lucy Chouteau,	Cherokee Freedmen D—584,
Alice Durant,	Cherokee Freedmen D—588,
Mahaley Ward,	Cherokee Freedmen D—608,
Fred D. Thomas,	Cherokee Freedmen D—650,
Bettie Beck,	Cherokee Freedmen D—665,
Ellis Warren,	Cherokee Freedmen D—667,
Millie Robinson,	Cherokee Freedmen D—674,
Mary Webber,	Cherokee Freedmen D—691,
Frances Martin,	Cherokee Freedmen D—692,
Mary Riley,	Cherokee Freedmen D—696,
Emanuel Taylor,	Cherokee Freedmen D—699,
Henry Sykes,	Cherokee Freedmen D—733,
Larkin P. Powell,	Cherokee Freedmen D—735,
Stepney Dawn,	Cherokee Freedmen D—736,
Malinda Vann,	Cherokee Freedmen D—741,
Frances Johnson,	Cherokee Freedmen D—742,
Annie Foster,	Cherokee Freedmen D—743,
Mary H. Rogers,	Cherokee Freedmen D—752,
George Washington Lane,	Cherokee Freedmen D—758,
Jane Brown,	Cherokee Freedmen D—760,

C.T.R. 102

Samuel L. Young,	Cherokee Freedmen D—764,
John Buckner,	Cherokee Freedmen D—780,
Willie Coy,	Cherokee Freedmen D—781,
Leonard Bowles,	Cherokee Freedmen D—787,
Malinda Murrell,	Cherokee Freedmen D—788,
Charles Claggett,	Cherokee Freedmen D—789,
Samuel Irven,	Cherokee Freedmen D—798,
Mary Ross,	Cherokee Freedmen D—799,
Maggie Nave,	Cherokee Freedmen D—806,
Neoma Nave,	Cherokee Freedmen D—816,
Ella Ross,	Cherokee Freedmen D—840,
Elizabeth Duncan,	Cherokee Freedmen D—871,
Sadie Adams,	Cherokee Freedmen D—880,
Georgeann Archer,	Cherokee Freedmen D—901,
John Claggett,	Cherokee Freedmen D—913,
Hattie Smith,	Cherokee Freedmen D—922,
Jack Jackson,	Cherokee Freedmen D—938,
Lula Sanders,	Cherokee Freedmen D—973,
George Hazelrig,	Cherokee Freedmen D—987,
Lizzie West,	Cherokee Freedmen D—990,
Maria French,	Cherokee Freedmen D—1010,
Mary Johnson,	Cherokee Freedmen D—1039,
Maggie Vann,	Cherokee Freedmen D—1062,
William Hudson,	Cherokee Freedmen D—1067,
Sarah Rogers,	Cherokee Freedmen D—1078,
Abraham Ballard,	Cherokee Freedmen D—1082,
Laura David,	Cherokee Freedmen D—1085,
John Deckman,	Cherokee Freedmen D—1105,
James B. Perry,	Cherokee Freedmen R—39,
Isaac Welch,	Cherokee Freedmen R—45,
Lawson Logan,	Cherokee Freedmen R—48,
George Howell,	Cherokee Freedmen R—56,
Henry Masir,	Cherokee Freedmen R—78,
George Adams,	Cherokee Freedmen R—82,
Annie Thomas,	Cherokee Freedmen R—83,
Lewis McConnell,	Cherokee Freedmen R—86,
Callie Vann,	Cherokee Freedmen R—94,
Lon Peters,	Cherokee Freedmen R—96,
Ida Adair,	Cherokee Freedmen R—99,
Robert Brown,	Cherokee Freedmen R—100,
Allie Chambers,	Cherokee Freedmen R—103,
Jann Jones,	Cherokee Freedmen R—104,
Aline Gunter,	Cherokee Freedmen R—105,
Katie Adair,	Cherokee Freedmen R—106,
Carrie Martin,	Cherokee Freedmen R—107,

Benjamin Clarke, Cherokee Freedmen R—198,
Emily Looney, Cherokee Freedmen R—210,
John Groves, Cherokee Freedmen R—112,
McGilda McNair, Cherokee Freedmen R—117,
Bettie Vann, Cherokee Freedmen R—122,
Nelson Letty, Cherokee Freedmen R—125,
Fannie Rogers, Cherokee Freedmen R—129,
William Washington, Cherokee Freedmen R—131,
Squire Warren Owens, Cherokee Freedmen R—142,
Fannie Goldsby, Cherokee Freedmen R—144,
Susan Daniels, Cherokee Freedmen R—146,
Anderson Turk, Cherokee Freedmen R—148,
David Lane, Cherokee Freedmen R—155,
Felix McClain, Cherokee Freedmen R—165,
Henderson Jones, Cherokee Freedmen R—173,
Belle Vann, Cherokee Freedmen R—181,
Levi Stroud, Cherokee Freedmen R—196,
John Sumpter, Cherokee Freedmen R—211,
Mariah Thompson, Cherokee Freedmen R—330,
Ellen Sheppard, Cherokee Freedmen R—337,
Lula Melton, Cherokee Freedmen R—347.

O.T.R. 102

DECISION.

It appears from the record herein that applications for enrollment as Cherokee citizens by intermarriage, were made to this Commission by William Davis for himself; by Hannah Thomas for her husband, Henry Thomas; by Jim Vann for his wife, Ella Vann; by Sig Markham for his wife, Mary Markham; by Nathan Melton for his wife, Frances Melton; by Mary Dotson for her husband, John Dotson; by George W. Vann for his wife, Mary Jane Vann; by Thomas Lowe for himself; by Thomas Mayfield for his wife, Ella Mayfield; by James Rider for his wife, Sallie Rider; by Reuben Campbell for himself; by Van Jackson Dittner for himself; by Tobe Midleton for his wife, Gussie Midleton; by Thomas Harlin for his wife, Mary Harlin; by John Fields for his wife, Nettie Fields; by John Kimbo for himself; by William N. Madden for himself; by Tobias Bean for his wife, Jane Bean; by Etta Thomas for her husband, Robert T. Thomas; by James Campbell for his wife, Mary Campbell; by Frank Daniels for his wife, Caroline Daniels; by Jim Alberty for his daughter-in-law, Melvina Alberty; by Sarah Morris for her husband, Dave Morris; by Jane Claggett for her husband, Alexander Claggett; by Payton Martin for his wife, Amanda Martin; by Charles Martin for his wife, Eliza Martin; by John E. Barnes for himself; by Joe Davis for his wife, Bell Davis; by Ellen Brown for her husband, Samuel Brown; by Mary Ann Watson for her husband, Howard F. Watson; by Jack McConnell for himself; by Maude Mulley for herself; by George Reed, Sr., for himself; by Buck Ledman for himself; by Bell Thompson for herself; by Lewis Scott for himself; by Abe Scott for

himself; by Kender Lampton for himself; by Thomas E. Allen for himself; by Lewis Vanderford for himself; by Elizabeth Bowlin for her husband, John L. Bowlin; by John D. Davis for his wife, Katie Davis; by Charles Williams for himself; by John J. Rose for himself; by David Martin for his wife, Jane Martin; by Fred Peterson for his wife, Lena Peterson; by Mariah Johnson for her husband, Alex Johnson; by Joseph Vann for his wife, Martha Vann; by John Scott for himself; by Steve Looney for Nancy Ross; by Charles C. Smith for himself; by James Colbert for his wife, Susie Colbert; by Rosanna Skaggs for her husband, William Skaggs; by Susie Johnson for herself; by Alfred P. Hopkins for himself; by Charles Vann for his wife, Kizzie Vann; by Jake Looney for his wife, Freddie Looney; by Lucy Chouteau for herself; by Alice Durant for herself; by Alonzo Ward for his wife, Mahaley Ward; by Fred D. Thomas for himself; by Benjamin Beck for his wife, Bettie Beck; by Ellis Warren for himself; by William Henry Robinson for his wife, Millie Robinson; by Josh Webber for his wife, Mary Webber; by Otto Martin for his wife, Frances Martin; by Ed Riley for his wife, Mary Riley; by Emanuel Taylor for himself; by Henry Sykes for himself; by Larkin P. Powell for himself; by Stepney Dawn for himself; by Ellis Vann for his wife, Malinda Vann; by David Johnson for his wife, Frances Johnson; by Phillip Foster for his wife, Annie Foster; by Houston Rogers, Jr., for his wife, Mary H. Rogers; by George Washington Lane for himself; by Silas Hammer Brown for his wife, Jane Brown; by Samuel L. Young for himself; by Lizzie Buckner for her husband, John Buckner; by Sarah Cox for her husband, Willis Cox; by Susan Bowles for her husband, Leonard Bowles; by Henry Murrell for his wife, Malinda Murrell; by Charles Claggett for himself; by Samuel Irven for himself; by David Ross for his wife, Mary Ross; by George F. Nave for his wife, Maggie Nave; by Lewis Armstead Nave for his wife, Neoma Nave; by Perry Ross for his wife, Ella Ross; by Elizabeth Duncan for herself; by Perry Adams for his wife, Sadie Adams; by Thomas Archer for his wife, Georgeann Archer; by Nancy Claggett for her husband, John Claggett; by Sonny Smith for his wife, Hattie Smith; by Jack Jackson for himself; by John Sanders for his wife, Lula Sanders; by Mary Hazelrig for her husband, George Hazelrig; by George West for his wife, Lizzie West; by Maria French for herself; by Mary Johnson for herself; by Maggie Vann for herself; by William Hudson for himself; by Sarah Rogers for herself; by Abraham Ballard for himself; by King David for his wife, Laura David; by John Deckman for himself; by James B. Perry for himself; by Isaac Welch for himself; by Nancy Logan for her husband, Lawson Logan; by Maria Howell for her husband, George Howell; by Amanda Masir for her husband, Henry Masir; by Katie Adams for her husband, George Adams; by Willie Thomas for his wife, Annie Thomas; by Lewis McConnell for himself; by Josh Vann for his wife, Callie Vann; by Lou Peters for herself; by Robert Adair for his wife, Ida Adair; by Josie Brown for her husband, Robert Brown; by Mat Chambers for his wife, Allie Chambers; by Rachel Jones for her husband, Isom Jones; by Lewis Gunter for his wife, Alice Gunter; by Amos Adair for his wife, Katie Adair; by William H. Martin for his wife, Carrie Martin; by Benjamin Clark for himself; by Emily Looney for herself; by Mary Groves for her husband, John Groves; by Butler McNair for his wife, Matilda McNair; by Bettie Vann for herself; by Nelson Lett for himself; by Allen Rogers for his wife, Fannie Rogers; by William Washington for himself; by Squire Warren Owens for himself; by Fannie Goldsby for herself; by Charles Daniels for his wife, Susan Daniels; by Rachel Turk for her husband, Anderson Turk; by David Lane for himself; by Felix McClain for himself; by Henderson Jones for himself; by Isaac Vann for his wife, Belle Vann; by Maggie Stroud for her husband, Levi Stroud; by John Sumpter for himself; by Mariah Thompson for herself; by Ellen Sheppard for herself; and by Lula Melton for herself, claiming their right thereto by virtue of their marriage to Freedmen Cherokee citizens.

The record further shows that none of the applicants herein make any claim to enrollment as citizens of the Cherokee Nation other than as set forth above.

It further appears from the record herein that at the time applications were made for the enrollment of the above named applicants, application was also made for the enrollment of other applicants as Cherokee Freedmen, but said applications being differently classified are not included in this decision.

It does not appear that any of the applicants herein are identified upon the 1880 Authenticated Cherokee Roll, nor does it appear that any of said applicants has ever been admitted to Cherokee citizenship by a duly constituted court or committee of the Cherokee Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321).

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Lemuel Welcome, (I. T. D. 5848-1904, 11,776-1904), the applications made for the enrollment of William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Midleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Melinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazeltig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington,

Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by intermarriage, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[SIGNED] TAMS BIXBY, Chairman.

[SIGNED] T. B. NEEDLES, Commissioner.

[SIGNED] C. R. BRECKINRIDGE, Commissioner.

MUSKOGEE, INDIAN TERRITORY, JANUARY 19, 1905.

COPY.

Cherokee Freedmen
3-14 et al.

Muskogee, Indian Territory, January 24, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted record of proceedings had in the matter of the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Hamblin, Nellie Fields, John Kibbe, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John T. Barnes, Bell Lewis, Samuel Brown, Edward F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Lehman, Bell Thompson, Lewis Scott, Abe Scott, Hester Hampton, Thomas R. Reed, Lewis Vandeford, John L. Boykin, Hattie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Rose, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Mosley, Lucy Chouteau, Alice Durant, Nahaley Ward, Hugh D. Thomas, Nettie Meek, Ellis Warren, Millie Robinson, Mary Weaver,

Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Lavina E. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Neema Nave, Nila Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hasselrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Ellison, Sarah Rogers, Abraham Ballard, Laura David, John Dickman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isam Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Andersen Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Sercud, John Hampton, Marion Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by intermarriage, including the Commission's decision dated January 19, 1905, rejecting said applications.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

Incl. K-8.

Through the
Commissioner of Indian Affairs.

COPY.

Cherokee Freedmen

R-102.

Muskogee, Indian Territory, January 24, 1905.

Allie Chambers,

Coffeyville, Kansas.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED Tams Bixby.
Chairman.

Incl. S-85.

Register.

COPY.

Cherokee Freedmen
D-26 et al.

Muskogee, Indian Territory, January 24, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Matthews, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Susan Middleton, Mary Hardin, Sallie Fields, John Kirby, William S. Holden, Jane Reed, Albert F. Thomas, Mary Campbell, Caroline Daniels, Edgeton Alberty, Jane Morris, Alexander Sheppard, Amanda Revels, Adam Curtis, John R. Downes, Nell Davis, Samuel Brown, Hannah F. Folsom, Jack McConnell, Hanna Manley, George Reed, Sr., Ruth Latham, Nail Thompson, Lewis Scott, Ida Scott, Hannah Langston, Thomas R. Allen, Lewis Vanderford, Ada I. Berlin, Hattie Davis, Theodore Williams, John J. Ware, Jane Martin, Jane Patterson, Ella Johnson, Martin Vann, John Scott, Nancy Ross, Charles E. Smith, Rosie Caldwell, William Scraggs, Sarah Johnson, Alfred F. Hopkins, Kizzie Mann, Freddie Lackey, Lucy

Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dean, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Dearman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Blair, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lott, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by intermarriage.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The policy of the

-4-

Secretary will be made known to you as soon as the Commission is informed of this wish.

Respectfully,

(SIGNED). Jane Dailey

Chief Engineer.

Inel. K-9.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, March 20, 1906.

Refer in reply
to the following:
Land.
7908-1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 24, 1905, transmitting the record of the application for enrollment as Cherokee citizens by intermarriage to Cherokee freedmen by William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Beam, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Dock Lehman, Bell Thompson, Lewis Scott, Abe Scott, Kender Langston, Thomas E. Allen, Lewis Vandeford, John L. Bowlin, Katie Harris, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Shale Colbert, William Rogers, Susie Johnson, Alfred P. Hopkins, Lizzie Vann, Freddie Looney, Lucy Chesteen, Alice Durant, Whitley Ward, Fred D. Thomas, Bettie Reed,

Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dunn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Wave, Mila Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Haselrig, Lizzie West, Mariah French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Mahr, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard, and Lula Melton.

January 19, 1905, the Commission decided adversely to all the applicants.

The record shows that none of the applicants makes claim to enrollment as citizens of the Cherokee Nation, except by intermarriage with a Cherokee Freedman; that none has ever been enrolled or admitted to citizenship by any tribal authority of the Cherokee Nation or by any United States tribunal and that none

is identified on the 1880 authenticated Cherokee roll.

In view of the record and of the ruling of the Department of November 12, 1904 (I. T. D. 3648-1904) in the Lemmal Welcome case, the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

W.M.W.
W.

(C O P Y)

D.C. 20377-1905
I.T.D. 2904-1906.

W G T
P H E

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

L R S

April 29, 1908

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

January 24, 1908, you transmitted the record in the matter of the applications for the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation including your decision of January 19, 1908, rejecting said applications, viz:

William Davis, Nancy Thomas, Tilla Vann, Mary Markham, Frances Melton, John Watson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Martin, Wallis Fields, John Kimbo, William S. Maddox, Jane Bean, Albert E. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Harris, Alexander Claggett, Amanda Martin, Elias Martin, John R. Barnes, Bell Davis, Emmit Brown, Howard M. Watson, Jack McDonald, Maude Manley, George Reed, Sr., Buck Ledbetter, Bell Thompson, Lewis Smith, Abe Smith, Xander Lampton, Thomas R. Allen Lewis Vandergrift, John L. Melvin, Katie Harris, Charles Williams, John J. Dean, Jane Harris, Lena Peterson, Alex Johnson, Martha York,

John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Lizzie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahalay Ward, Fred P. Thomas, Nettie Meek, Willis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Owen, Malinda Vann, Frances Johnson, Annie Foster, Mary E. Rogers, George Washington Lane, Jane Brown, Samuel T. Young, John Buehner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Vave, Mecan Wave, Nila Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Nattie Smith, Jack Jackson, Lula Sanders, George Mazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Beckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Nasir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Grayson, Matilda McNair, Nettie Vann, Nelson Lott, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Nelle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard, and Lula Walton.

Reporting in the matter March 21, 1908, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) THOS. RYAN
Acting Secretary.

1 inclosure.

COPY.

Cherokee Freedmen

R-102.

Muskogee, Indian Territory, April 28, 1905.

Allie Chambers,

Coffeyville, Kansas.

Dear Madam:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

COPY.

Cherokee Freedmen

D-14 , et al

Muskogee, Indian Territory, April 28, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED). Tams Bixby Chairman.

COPY.

Cherokee Freedmen
D-14, et al.

Muskogee, Indian Territory, April 20, 1906.

Commissioner in Charge,
Cherokee Land Office,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1906, rejecting the applications for the enrollment of Willian Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1906.

Respectfully,

(SGD) Tams Bixby.
Commissioner.

ENROLLMENT REFUSED

102.

~~CHEROKEE FREEDMAN.~~

IN THE MATTER OF THE APPLICATION OF

Allie Lehamber

FOR ENROLLMENT AS

CHEROKEE FREEDMAN

P.O. Instructions May 31-01

F. Mrs. Application " "

L. Marriage certificate

See Lehamber Freedmen Jacket

No 934

Cher Fr R 103

Cher Fr R 103

Department of the Interior.
Commission to the Five Civilized Tribes.
Nowata, I.T., June 29, 1901.

In the matter of the application of Sarah Starr for the enrollment of herself and one child as Cherokee Freedmen; being sworn and examined by Commissioner Needles, she testified as follows:

Appearances:
Jo. Sequichie, agent for the applicant;
Messrs. W. W. Hastings, and James Davenport, for Cherokee Nation.

Q What is your name? A Sarah Starr.
Q How old are you? A 52.
Q What is your post-office? A Hayden, I.T.
Q What district do you live in? A Cooweescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A Myself and one family.
Q How much family have you got? A I have got five children.
Q Any of them married? A Yes sir.
Q I don't want the name of any but the young ones at home? A They are all at home, Clara.
Q How old is Clara? A 14.
Q Next child? A I have got another one married.
Q He must come himself? A That's all I have got at home.
Q Are you married? A Yes sir.
Q What is your husband's name? A George Starr.
Q What is your mother's name? A Caroline Rider.
Q Is she living? A Yes sir.
Q Your father's name? A Simps Bean.
Q Your name on any of the rolls of the Cherokee Nation? A I don't know, it should be.
Q Is it on the roll of 1880? A I don't know whether it is or not.

1880 Authenticated roll of citizens of the Cherokee Nation examined and applicant not identified thereon;
1896 census roll of citizens of the Cherokee Nation examined and applicants not identified thereon.

Q Did you ever draw any money? A No sir.
Q Didn't draw the Strip money? A No sir.
Q Nor the Wallace money? A No sir.

Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicants not identified
Wallace roll of citizens of the Cherokee Nation examined and applicants not identified thereon.

Q Did you apply to the Kern-Clifton Commission in 1896? A Yes sir.
Q By what name? A Sarah Allen.
BY MR. SEQUICHIE:
Q Were you here in the Cherokee Nation before the war of the rebellion? A Yes sir.
Q Where did you live before the war? A In Goingsnake District.
Q Did you go out of here at any time before the war? A No sir.
Q Where did you live during the war? A I lived at Ft. Gibson, I was at home part of the time, and we come to Ft. Gibson.
Q Did you live there any time after the war? A We stayed about 6 or 7 years I guess, as near as I can remember.
Q And then where did you go? A From Gibson.
Q Yes ma'm? A We went to four mile Branch.

Q How lojg did you live there? A We stayed there, I don't know just how long we did stay there.
Q Were you ever out of the Cherokee Nation? A Yes sir.
Q How long at a time? A I don't know, about the longest I ever wasout I guess was about a year.
Q About a year at a time or a year in all? A About a year I guess at a time is the longest I was ever out.
Q How many trips did you make? A Three trips, as near as I can remember.
Q Where did you go? A Went to Ft Scott.
Q What were you doing up there? A I was working up there with a family named Higgins.
Q Did you retain your residence in the Cherokee Nation during that time you went to Kansas? A Yes sir.
Q Did you stay there any time longer than one year? A No sir.
Q What time did you come back to the Cherokee Nation to remain permanently and locate here to make it your home? A It has always been my home.
Q How long is it since the last trip you have made to Kansas?
A Since the last trip I went from here to Kansas?
Q Yes ma'm? A I don't know, it is 19 or 20 years ago since the last trip I made there.
Q And you have been here continuously ever since? A Yes sir.
Q Where have you been living at? A On Grand River and in Vinita and on Lightning Creek and over in Spavinaw.
Q In the Cherokee Nation? A Yes sir.
Q Where do you live now? A On Lightning Creek?

BY COM'R NEEDLES:

Q Were you a slave? A Yes sir.
Q Who did you belong to ? A Polly Rider.
Q Was Polly Rider a Cherokee citizen? A Yes sir.
Q Where were you born? A In Goingsnake District.
Q Were you taken out of the Cherokee Nation during the war? A No sir.
Q Didn't you go out during the war? A Not during the war.
Q When did you go out? A We went out I guess it was 5 or 6 or 6 or 7-
Q Five or 6 years after the war? A Yes sir.
Q You went to Kansas? A Yes sir.
Q And then when did you return? A I don't remember just exactly how long it was.
Q Were you married when you went out? A No sir.
Q Did you marry in Kansas? A No sir.
Q How many times have you been married? A Twice.
Q Who was your first husband? A J. W. Allen.
Q Was he a colored man? A Yes sir.
Q When did you marry Allen? A I don't know what year it was , I don't remember dates.
Q Marry him in the Cherokee Nation? A Yes sir.
Q Did you live with him until he died? A Yes sir.
Q Then who did you marry? A George Starr.
Q Is George Starr living? A Yes sir.
Q Are you living with him now as his wife? A Yes sir.

BY MR. JAMES DAVENPORT:

Q You didn't go out of the Cherokee Nation, you say, at all during the war? A No sir, I didn't go out.
Q With whom did you live during the war? A I lived with my parents during the war.
Q At what place in the Cherokee Nation did you live during the war?
A At Ft. Gibson part of the time.
Q About what part of the time did you live at Ft. Gibson? A I don't know, we stayed at home until the Cherokees come down here to hold the Nation from Kansas.

Q The troops? A Yes sir.
Q You don't remember when that was, you were a very small like girl at that time? A I guess not, couldn't have been.
Q When you were out of the Nation who did you go with? A With my parents.
Q What were their names? A Caroline Rider and Simp Bean.
Q Who else went with you? A I don't know, there was a whole lot of them, I don't remember who there was.
Q You rememberdthe name of some of them in 1896 when you applied then, didn't you give the name of some one you went out with and came back with? A I come back here with the family I was working for.
Q Who were they? A Rogers.
Q What Rogers? A Dr. Rogers.
Q Where did he live? A I don't know, he come to my mother's and hired me to nurse.
Q Where did he locate here when he came back here? A On Furteen Mile Creek and there he left me.
Q You don't know where he went then? A No sir.
Q You don't remember his first name? A No sir.
Q You remember his wife's first name? A Yes sir, Mary.
Q You testified before the Kerns-Clifton Commission in 1896, that her name was Emma? A His wife was named Emma.
Q You said just now it was named Mary? A She had a double name.
Q Where did you go from 14 mile creek? A To Grand River.
Q When you and Rogers went out where did you go? A I never went out with Rogers.
Q Well when you went out? A I went to Ft. Scott with my parents.
Q Didn't you testify before the Kerns-Clifton Commission that you did go out with Rogers and came back with him? A If I did I don't know anything about it, because I didn't go out with him.
Q When you went to Ft. Scott how long did you stay there? A I don't remember.
Q Did you stay a year or two years or three? A I never did stay 2 years.
Q Then when you left Ft. Scott where did you go? A What time do you mean?
Q I want to know when you left Ft. Scott where did you go? A When I left that family I was working for I told you I went down on 14 Mile Creek.
Q Did you go direct from Ft. Scott to 14 Mile Creek? A When I was, with them folks I was working for I did.
Q With whom did you live on 14 Mile Creek oe near whom? A I stayed up at Mr. Steven Taylors.
Q How long did you stay at Steven Taylor's? A I guess I stayed there about a month.
Q Then where did you go? A At Mose Nave's.
Q How long did you stay at Mose Nave(s? A I stayed there fore or 5 months I guess, because I was sick there.
Q Was you married before you went to Mose Naves? A No sir.
Q What year was it you went to Mose Naves? A I don't know.
Q What year did you return from Ft. Scott with your parent's? A I don't know.
Q Didn't you testify before the Kerns-Clifton Commission that it was in 1869? A I don't know whether I did or not.
Q When did you go to Vinita to live? A About 21 or 2 years ago I guess, I don't know what month I went there to work.
Q When you went there first to work how long had you been back from Kansas when you went to Vinita to work? A I don't remember.
Q Had you been back a year? A I don't remember just how long I had been back then; we had been back long enough to raise four crops on Grand River.
Q You made four crops after you came on Grand river before you went to Vinita after you came from Kansas, or passed through

four crop years? A Yes sir, passed through four crop years.
Q Was the 'Frisco railroad running through Vinita when you first went there to work? A Yes sir, I think it was.
Q Was the M K & T Railroad running through there when you first went there to work? A Yes sir, I think it was, I am not sure, Yes there was a railroad when I went there to work.
Q You was in Joplin, Missouri, how long did you stay there?
A Went there in April and stayed until June.
Q Was that before you went to Vinita to work? A No sir, I had been in Vinita to work.
Q Which is your oldest child? A Charley.
Q Where was he born? A On Grand River, at Rachel Bean's.
Q What is the next oldest child? A Will.
Q Where was he born? A On Grand River.
Q At whose place? A At aunt Rachel Bean's.
Q Next one, what is his name? A John.
Q Where was he born? A He was born over there on Aunt Rachel's place, three children were born there.
Q What is the next one named? A Claude.
Q Where was he born? A He was born at Aunt Ibbie Vann's.
Q Where was she living then? A On this side of Grand River, about Island Ford.
Q What is the next one named? A Clara.
Q Where was she born? A John Kimbrough's.
Q On Lynch's Prairie? A I don't know whose prairie, above Guss Buffingtons.
Q Where were you married first? A Over in Spavinaw.
Q Who married you? A An old preacher by the name of Vann.
Q Where was you married the last time? A Vinita.
Q By whom? A I can show you. (Produces papers).

BY COM'R NEEDLES:

Q How old is Charley, your oldest child? A He is 27 now, about, as well as I can remember.
Q You are living in the Cherokee Nation now ever since Charley was born? A Yes sir, backwards and forwards; I haven't been here right steady, because I have to work.
Q Did you ever have your family out? A No sir, not only when they was under my control.
Q But you have been out of the Cherokee Nation since Charley was born? A Oh yes.
Q Where to? A I went to Kansas.
Q How long did you stay there? A I stayed about 5 or 6 months at a time.
Q Did you have your child Charley with you when you went to Kansas?
A Yes sir, when he was small.
Q Where was your husband, Allen? A He was on the river.
Q He didn't go with you to Kansas? A No sir, sometimes he would go.
Q What's Charley's name? A Allen.
Q What's Will's name? A Will Allen.
Q And John? A John Allen.
Q What's Claude's name? A Claude Allen.
Q Clara's name? A Clara Allen.
Q You have no children by Starr? A No sir.

BY MR. W. W. HASTINGS:

Q Have you and your husband ever kept house in the Cherokee Nation that is your first husband, Allen? A Yes sir.
Q Where? A On Grand River.
Q Near what place? A Near Bena's place.
Q What Bean? A Art Bean.
Q How long did you keep house down there? A Oh I don't remember just how long, we kept house two or three different places, and then I went on a place of my own.
Q Did you have a place of your own down there? A Yes sir.
Q How long have you had it? A I haven't got it now, I had a place

of my own.
Q I want to know how long you and your first husband, Allen, kept house down there on Grand River? A I don't know.
Q Did you keep house as much as a month? A Oh yes.
Q How long? A We raised seven or eight crops down there.
Q On whose place? A On Bean's place and Kimprough's place and McLain's place.
Q Cyrus Cornatzer living down near you there? A He was there awhile, he wasn't there all the time.
Q You know him do you? A Yes sir, I used to work for him.

BY COM'R NEEDLES:

Q The marriage license you present here certifies that George Starr was married to Miss Sarah Bean? A That was my father's name, Bean; my father belonged to rider; there was two sisters.

Com'r: Marriage license between applicant and George Starr presented.

BY MR. HASTINGS:

Q Where did you first see Amy Bean? A In Ft. Gibson.
Q When? A I don't know when, she was a small girl.
Q Was that after you had gone to Kansas or after you came back?
A I had never been out of the Nation at all when I saw her.
Q Where did you see Jack Sanders first? A In Ft. Gibson.
Q At the same time? A Yes sir, and saw him on Grand River.
Q Had you seen Amy Bean before the war? A No sir.

RUFUS MILLER, being sworn by Com'r Needles, testified as follows:

BY MR. SEQUICHIE:

Q What is your name? A Rufus Miller.
Q What is your age? A I don't know my age exactly, we get our record borned up in time of the war and I don't know.
Q About how old? A I expect between 53 and 5.
Q What is your post-office? A Centralia.
Q Mr. Miller, are you a citizen of the Cherokee Nation, by blood?
A Yes sir.
Q Where do you live? A Now I live at Centralia, I am up there schooling my whildren; my farm is at the head of Lightning Creek.
Q Did you know the applicant, Mrs. Sarah Starr, or Bean before the war? A Yes sir.
Q Where did you see her at? A I knowed her on Barron Fork about 2 miles and a half or three miles below Evansville.
Q In the Cherokee Nation? A Yes sir.
Q Was she a slave? A Yes sir.
Q Who did she belong to? A You are getting right where it's hard for me, she either belonged to Gus Riders brother or Gus.
Q Both Cherokee citizens? A Yes sir.
Q How long did you know her there? A We was raised up right there together before the war.
Q How long was that you saw her on Barren Fork before the war?
A Several years.
Q Did you know her all along up to the time of the war? A Yes sir, up until the war.
Q Where was she at up in about the time the war broke out? A She was at Gus Riders in Goingsnake District.
Q You know where she was during the war? A I guess she was about home, I didn't see her during the war at all, I went off south, went into the southern army and I didn't know where she was.
Q When did you see her after the war? A I seen her just after the close of the war when I come back home, I come on Christmas Eve '65, and I went to Ft. Gibson to work for a living and I seed her down at Ft. Gibson; I don't know when she left home or anything about that.

Q Did you see her at Ft. Gibson immediately after you returned there
A Yes sir.
Q What year was that you returned? A I went down there aboyt February '66.
Q How long did you see her there after that? A I guess it must have been a year, maybe somewhere about that time, I don't know whether it was hardly a year aor not.
Q Living right around Ft. Gibson? A Yes sir.
Q You know who she lived with? A No sir, I don't.
Q And then did you see her any place else besides Ft. Gibson?
A No sir, never seen her any more until I come here to Vinita.
Q When was that? A About '83.
Q You then didn't see her any more from the time you saw her at Ft. Gibson until you saw her in Vinita in '83? A No sir, I don't know where she went from Ft. Gibson; she disappeared from Ft. Gibson pretty soon after the war.
Q Was she living in Vinita the next time you saw her? A I think she was living on Grand River next time I saw her; she said she was; I never was at her house.
Q Have you seen her since 1883? A Yes sir, I have seen her often and on ever since. I seen her around Vinita, and I lived adjoining places to her now.
Q How long have you been living adjoining places? A Ever since 1896.
Q Has she been living in the Cherokee Nation that you know of continuously from the time you saw her in '83? A I don't know, I could not testify to that; I see her, I never ask her where she has been living when I see her.
Q Has she been living on that adjoining farm to yours since you and her moved there? A Yes sir.

BY MR. DAVENPORT:
Q Whose farm does she live on there? A George Starr's.
Q That's how near your place? A Head of Lightning Creek.
Q You don't remember whether it was '66 or '65 you saw her at Ft. Gibson last? A I wasn't at Ft. GIbson in '65, I was in the Southern army, and then I come home and went to Ft. Gibson in '66 to work I saw her all along pretty near a year every few days around Gibson
Q You remember seeing other Arkies there at that time, and remember they were there a year or two? A Yes sir.
Q You don't know what became of her after you saw her in Ft. Gibson until you saw her in 1883? A No sir.
Q Don't know where she lived? A No sir.
Q You resided in the Territory continuously from that time have you? A All except a little while in 1880 I was in Missouri.
Q What part of the Cherokee Nation were you in up until 1880 from '66? A I was in Ft. Gibson a good deal of the time, up until about '74.
Q You didn't see her there any more? A No sir, I didn't see her there any more after she disappeared away from there.

BY MR. HASTINGS:
Q Was she living with her father and mother? A I don't know who she was living with, I couldn't say.
Q You knew her father and mother before the war? A I knew her mother, I didn't know her father.
Q What was her mother's name? A I believe her name was Martha.
Q Were you living over here on adjoining farm to her in 1896?
A Yes sir.
Q You remember when the Kern-Clifton made their enrollment?
A Yes sir.
Q You didn't testify for her to these facts then? A No sir, never was called on.
Q Were you ever tried in the Court for anything? A Yes sir.

Q For what? A Larceny.
Q What was the result of the trial? A Convicted me once.
Q What Court was that? A District Court.

AMY BEAN, being sworn by Com'r Needles, testified as follows:

BY MR. SEQUICHIE:

Q Give me your name and post-office address?
A Amy Bean.
Q How old are you? A 45.
Q What is your post-office? A Vinita.
Q Mrs. Bean, are you a Freedman Cherokee? A Yes sir.
Q Are you on the 1880 roll? A Yes sir.
Q Do you know the applicant, Mrs. Sarah Starr? A Yes sir.
Q When was the first time you ever saw her? A First time I ever saw Hercwas in Ft. Gibson.
Q When was that? A About the latter part of '65 and '66.
Q That was the first time you ever saw her? A First time I ever saw her.
Q Who was she living with in Ft. Gibson in '65? A I don't know who she was living with, I got acquainted with her; my father made boards at Ft. Gibson during the time of building the Fort there at Ft. Gibson, and her father helped him, and during that time she come there frequently.
Q How long after that did you see her at Ft. Gibson? A I don't know how long she was there; I seed her during the time her father was there helping my father.
Q Did you see her at any time after that in Ft. Gibson? A No sir I don't remember seeing her at any time after that?
Q Where did she go from Ft. Gibson? A I don't know sir where she went.
Q When was the next time you saw her? A Next time I saw her on Grand River.
Q When was that? A That's been about 18 or 20 years ago.
Q Where was she living? A She was living there on Lynch's Prairie.
Q Did they have a farm of their own or were they living on somebody else's place? A I think they farmed one year for Joe McLain.
Q And then how long did you see them around there at that place, how long did they live there? A I don't know exactly how long they lived at that place, they lived at that place awhile, and I think they lived at Kimbrough's or farmed for him and I think they made a little place in the bottom; but I never was at their place.
Q Don't you know how long they lived at these three places all together? A They lived there couple of years, maybe three, I don't know exactly how long it was.
Q You know where she went from there? A Next time I saw her in Vinita.
Q How long was that after you saw them on Grand River? A I don't know exactly how long it was, how long she stayed in Vinita, she worked there awhile.
Q You know how long it has been, 15 or16 years, 20 years, something like that that you saw her in Vinita? A No sir, I don't know exactly how many years ago it has been.
Q How long did she live in Vinita that you know of? A I don't know exactly how long she lived in Vinita, I couldn't give you the date of the time she lived there.
Q Where did you see her after that, how long was it before you saw her again from the time you saw her in Vinita? A I saw her often and on in Vinita, I couldn't tell you exactly how long; next I knew of her she was living out here on Lightning Creek, I don't kne where she went from Vinita though.

Q When was that? A I don't know exactly how long it has been since she has been living out there.
Q Been 10 or 15 years? A I don't know.
Q From the time you saw her on Lightning Creek where she is living now has she lived continuously? A Yes sir, she has lived there continuously since she has been living there.
Q You know who she belonged to? A No sir.
Q Did you know her at any time before the war? A No sir.

BY MR. DAVENPORT:

Q You knew her a short while at Ft. Gibson in '65? A Yes sir, and in '66.
Q What time in '66 did you know her? A I don't know, it was the first part of '65.
Q The she went away from there? A I don't know when she went away from there; we moved away from there about two miles down in the bottom; we left there and she may have been there after that time, but I don't know.
Q And you didn't see her then any more until on Grand river some thing like 18 or 20 years ago? A Yes sir.
Q You don't know where she had been living in the meantime? A No sir.

BY COM'R NEEDLES:

Q You know her children? A Yes sir.
Q How many has she got? A I don't know exactly how many she has got, I know John and Will and Charlie and Claud and Clara.
Q You know where they were born? A No sir, I don't know where they were born.

LUSTER FOREMAN, being sworn by Commissioner Needles, testified as follows:

BY MR. SEQUICHIE:

Q What is your name? A Luster Foreman.
Q How old are you? A About 60, 50 or 60.
Q What is your post-office? A Vinita.
Q Mr. Foreman, do you know the applicant, Mrs Sarah Starr?
A I know of her.
Q How long have you known of her? A Well I got personally acquainted with her since I have been in Vinita, but I disrecollect whether she was to Gibson or not; she was though I guess; well I know she was, that is her father was, Uncle Simp Bean.
Q What year was it you knew her father in Ft. Gibson? A That was along about '66 or '65.
Q You know whether this applicant, Mrs. Sarah Starr was there with her father or not? A Well I guess she was, there was two children where they was, there was two children there.

BY COM'R NEEDLES:

Q He had two children? A Yes sir.

BY MR. SEQUICHIE:

Q You know the names of these two children? A One was John and the other was Sarah.
Q Thenwhere was the first time you ever met Mrs. Starr to know her personally? A In Vinita.
Q What year was that? A I disremember what year that was.
Q How long ago has it been? A I don't know that really.
Q 15 or 20 years? A No, no, less time than that.
Q That the only place you ever knew her? A That's the first place I ever saw her after she left Ft. Gibson.
Q You know whether she has ever been out of the Cherokee Nation or not? A I don't know.
Q Where was the next time you saw her afterwards? A I have seen her ever since I first saw her, I have seen her often and on in the Cherokee Nation.

BY MR. HASTINGS:

Q About how long ago did you first see her in Vinita? A I don't exactly know about how long.
Q Well I want to know your best judgment about that? A Been about eight years I guess.
Q And that's the first time you had seen her since you claim to have seen some children at Ft. Gibson? A That's the first time I met her again.
Q You never met her at Ft. Gibson? A Not since she left, not since I saw them there.
Q What was her father's name? A Simps Bean.
Q What was her mother's name? A I don't know, Caroline I think.
Q Do you know? A I believe that's her name, my best judgment.
Q Where were they living when you saw them down there? A He was working for Spence Stevens.
Q What kind of work? A Hauling wood with one yoke of ozens, and after he quit I taken the team and worked for Spence Stevens.
Q You know where he went to when he quit? A No.
Q How long did you continue to reside there? A All my life.
Q How long did this man Simps Bean continue to reside there?
A I really couldn't tell you exactly how long, because that time they was moving in and out and I don't know where he went when he went out nor when he went out.
Q Did he remain there a long time or a short time? A After I taken the team and worked for Spence Stevens he remained there quite awhile, I don't know how long.
Q Do you think he remained there a year? A I couldn't tell you that at all.
Q How old was this woman at this time? A Oh, oh I don't know.
Q Did you see this woman? A Yes sir.
Q I want to know about what size that girl was when you saw her?
A Lord, I couldn't tell you just exactly. Couldn't tell you what size; them times I didn't pay much attention to nothing.
Q You remember the name of an infant child 35 years? A Yes sir. I remember an infant child 35 years.
Q You know whether this one looked to be 5 years old or 25? A I don't know about that.
Q You can't form any judgment at all? A Not really to be satisfactory I couldn't.
Q How about the boy? A I remember him, because I was a boy myself, and we played together.
Q Was the boy older than the girl? A I don't know.
Q About what age was the boy at that time? A You asked me too quick, I don't know.
Q Was he pretty near grown? A No, I don't think he was.
Q Was he over 5 years of age? A I don't know that now.

Com'r Needles: Sarah Starr applies for the enrollment of herself and child, Clara; she cannot be identified upon any of the rolls of the Cherokee Nation now in the possession of the Commission, neither can her child. She avers that she was a slave, belonging to one Polly Rider; her mother was Caroline Rider; she avers that she was born and raised in the Cherokee Nation, and was here during the years '65 and '66; since that time she has resided in the state of Kansas occasionally, but proves permanent residence for the last 10 or 12 years or 14 years in the Cherokee Nation; she and her child are duly identified and will now be listed for enrollment as Cherokee Freedman on a doubtful card; it will be necessary for her to file satisfactory proof of birth of the child Clara, her name not appearing upon the rolls; she will be notified by mail at her post-office address of the decision of the Commission in the premises.

Sarah Starr, et al., 10

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) M.D.Green.

Subscribed and sworn to before me this July 12, 1901.

(Signed) T.B.NEEDLES,
Commissioner.

Josie Davies, stenographer to the Commission to the Five Civilized Tribes, having been first duly sworn, states: That the above and foregoing is a true and complete copy of the original transcripe now on file with the Commission.

Josie Davies

Subscribed and sworn to before me this December 27, 1904.

Charles V. Sawyer

Notary Public.

DEPARTMENT OF THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAY 31 1901

ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date May 31 1901

Post Office Hayden I.T.

District Cooweescoowee

1. Name Charles Allen Age 21

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

MAY 31 1901

Parents:

Father ..... Citizenship .....

Mother Sarah Starr-living Citizenship .....

2. Name of wife ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

Rejected

Names of Children:

3. ..... Year ..... Page ..... No. ..... Dist. .....
4. ..... Year ..... Page ..... No. ..... Dist. .....
5. ..... Year ..... Page ..... No. ..... Dist. .....
6. ..... Year ..... Page ..... No. ..... Dist. .....
7. ..... Year ..... Page ..... No. ..... Dist. .....
8. ..... Year ..... Page ..... No. ..... Dist. .....
9. ..... Year ..... Page ..... No. ..... Dist. .....
10. ..... Year ..... Page ..... No. ..... Dist. .....
11. ..... Year ..... Page ..... No. ..... Dist. .....
12. ..... Year ..... Page ..... No. ..... Dist. .....

Application made by Ons / Stenographer Chas. von Wine

Represented by

Mellette & Smith & Hunter & Co.

Cherokee Freedman
R-103.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application for the enrollment of Claud Allen as a Cherokee Freedman.

-: O R D E R :-

It is ordered that copies of testimony, taken at Nowata, Indian Territory, June 29, 1901, in the matter of the application of Sarah Starr, et al., for enrollment as Cherokee Freedmen, case No. D-947, be filed with and made a part of the record in the application of Claud Allen, for enrollment as a Cherokee Freedman, Case No. R-103.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Muskogee, Indian Territory,

To be filed with the card of Claud Allen——[redacted].

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T. May, 31st, 1901.

In the matter of the application of Claud Allen for the enrollment of himself and wife as Cherokee Freedmen; he being sworn by Commissioner C. R. Breckinridge, testified as follows:

Q What is your name? A. Claud Allen.
Q How old are you? A. 21.
Q What is your post office? A. Hayden.
Q In what district do you live? A. Coowescoowee
Q Do you want to be enrolled as a Cherokee Freedman? A. ~~[illegible]~~ I want to make application for my wife at present.
Q And yourself also? A. Yes sir.
Q How long have you lived in the Cherokee Nation? A. All my life except when I was going to school.
Q How long were you out of the Nation at school? A. 7 years'
Q Where did you go to school? A. Fort Scott.
Q When did you quit going to school? A. 6 or 7 years ago.
Q When did you first go up there to school? A. I dont know
Q Where were you born? A. I dont know.
Q Where did you spend your childhood? A. On Grand river.
Q Is that the first place you can remember? A. Yes sir.
Q How old were you when you first went to Kansas to go to school? A. I dont know sir.
Q About how long? A. Must have been about 8 years old
Q Had you ever been to Kansas before that? A. No sir not as I know of.
Q But you dont know where you were born? A. No sir.
Q And you staid in Kansas about seven years? A. Yes sir.
Q And you have been back about 6 years? A. I guess it has been 8 or 9 years
Q Give me the name of your father? A I dont know who my father was.
Q Give me the name of your mother? A. Sarah Starr.
Q Is your mother alive? A. Yes sir.
Q Where is she living now? A. On Lightning creek.
Q How long has she lived there? A. 4 years.
Q Where did she live before that? A. Vinita.
Q How long did she live there? A. I dont know.
Q Where did she live before that? A. Joplin, Missouri
Q How long did she live there? A. 3 months.
Q Where was she before that? A. Fort Scott.
Q How long did she live there? A. I dont know.
Q Was she there at the time you were going to school? A. No sir.
Q How long has your mother had the name of Starr? A. About 4 years.
Q What was her name before that? A. Allen
Q Do you know the name of her father? A. Yes sir.
Q What is it? A. Simp Bean.
Q Is he alive? A. Yes sir.
Q Give me the name of your mother's moter? A. Caroline Bean.
Q Is she alive? A. I think so.
Q How old is your mother? A. I dont know sir.
Q About how old——an old woman? A. Yes sir.
Q Is she over 50? A Must be 54.
Q Give me the name of your wife? A. Amy Allen.
Q How old is your wife? A. I think she is 22.
Q When did you marry her? A. I believe it was in June 1898.
Q Have you a certificate of marriage? A. Yes sir at home.

Oce Freeman, being called and sworn as a witness for the applicant testified as follows: (Examined by Commissioner C. R. Breckinridge)

Q What is your name? A. Oce Freeman.
Q How old are you? A. 24.
Q What is your post office? A. Hayden.

Q How long have you lived in the Cherokee Nation? A. All my life.
Q Do you know the applicant? A. Yes sir.
Q Do you know his wife? A. Yes sir.
Q How long have you known his wife? A. All my life.
Q About how long since they were married? A. I dont remember,to be sure, about 4 years I guess.
Q Several years anyway? A. Yes sir.
Q How long have you known the applicant himself? A. 5 or 6 years
Q Did you ever hear of his being married before his marrying this woman? A No sir.
Q Was she ever married before she married this man? A. No sir, not as I knows of.
Q You would know if she had, wouldn't you? A. Yes sir.
Q She is a young woman? A. Yes sir.
Q What is her name? A. Amy Ross was her maiden name.
Q Has she lived in the Cherokee Nation all her life? A. Yes sir.
Q You say you have only known the applicant for about 6 years? A. Yes sir
Q Has he been in the Cherokee Nation all that time? A. Yes sir.

Applicant re-called and examined by the Commission:

Q Give me the name of your wife's father? A. Frank Ross.
Q Is he living? A. Yes sir.
Q Give me the name of your wife's mother? A. I dont know her.
Q Is she living? A. No sir.

Applicant or applicant's mother enot on the roll of 1880.

Q Have you any brothers? A. Yes sir.
Q What are their names? A. Charlie Sheppard and Will and John Allen. They sometimes calls Will,Hugh.

The 1880 roll examined and wife of applicant identified as follows
Page 168 No 2485, Anna Ross, Cooweescoowee district

Applicantse not on the census roll of 1896.

Applicant himself not on the Kerns Clifton roll.

Applicant's wife identified on the Clifton roll as follows:
Page 2, No. 41, Anna Ross, Cooweescoowee district

Applicant himself not on the Wallace roll.

Q Are you on any roll at all? A I ought to be.
Q Which one? A. Wallace.

By Com'r Breckinridge,- The applicant applies for himself and his wife. The applicant is not identified on the 1880 roll, or the 1896 roll,or the Kerns Clifton roll or upon the Wallace roll. He does not know the name of his father and his mother cannot be identified on the roll of 1880. The applicant appears to have spent a good part of his life in Kansas, but states that he was only there attending school. He is now 21 years of age. No ground is seen to admit of his enrollment at this time and he will be listed as a Cherokee Freedman on a Rejected Card. His wife is identified on the roll of 1880 and on the Kerns Clifton roll as a Cherokee Freedman; she has lived in the Cherokee Nation all her life and her change of name is established in a satisfactory manner; she will now be listed for enrollment as a Cherokee Freedman.

* * * * * * * * * * *

Client Alice S.

that, now being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

[redacted]

Subscribed and sworn to before me this 6th of June, 1906 at Chelsea, I. T.

[redacted]

[redacted]

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Sarah Starr et al., as Cherokee Freedmen, consolidating the applications of:

Sarah Starr et al.	Cherokee Freedman D 947
Claude Allen	Cherokee Freedman R 103.

D E C I S I O N.

THE RECORD IN THIS CASE SHOWS: That applications for enrollment as Cherokee freedmen were made to this Commission by Sarah Starr for herself and minor child, Clara Allen, and by Claude Allen for himself and wife, Amy Allen. The applicant, Amy Allen has been differently classified and her rights to enrollment as a Cherokee freedman will not be considered in this decision.

THE EVIDENCE IN THIS CASE SHOWS: That Sarah Starr claims the right to enrollment as a Cherokee freedman by virtue of her compliance with the treaty stipulations of 1866, and that the other applicants herein claim the same right as descendants of the said Sarah Starr.

SARAH STARR(applicant), appeared before the Commission on June 29, 1901, at Newata, Indian Territory, and in support of her application for enrollment as a Cherokee freedman, testified as follows: My postoffice is Hayden, Coowescoowee District, Cherokee Nation. I am fifty-two years old and am the daughter of Simpson and Caroline Bean; I was born in the Cherokee Nation, and was the slave of Polly Rider, a Cherokee citizen, and did not go out of the Cherokee Nation until six or seven years after the close of the rebellion, when I went to Fort Scott, Kansas. I have since made about three trips to points outside the Indian Territory, but during the last nineteen or twenty years I have lived continuously in the Cherokee Nation. I am the mother of Clara Allen; she was born on John Kimbrough's place , on Lynch's Prairie,

Cherokee Nation. Her father is John W. Allen , a colored man. (Cherokee Freedman enrollment card No. R 103 shows the said John W. Allen to be a non-citizen of the Cherokee Nation).

RUFUS MILLER (witness for applicants) at the same time and place testified as follows: I am about fifty-five years old, am a Cherokee by blood, and live near Centralia, Cherokee Nation. I knew the applicant, Sarah Starr, before the war; she was the slave either of Gus Rider or his brother, both Cherokee citizens. I did not see Sarah Starr during the war, but saw her at Fort Gibson about February, 1866, just after my return from the Southern army. I think she lived at Fort Gibson about a year after that, and then she left and I did not see her again until about '83; I think she was living on Grand River at that time. I have seen her around Vinita since 1883, and since 1896 she has lived on a place adjoining mine.

AMY BEAN (witness for applicants), at the same time and place, testified as follows: I am forty-five years old, and my postoffice is Vinita, Indian Territory. I know the applicant, Sarah Starr, and first saw her at Fort Gibson "about the latter part of '65 or '66"; next saw her on Grand River about eighteen or twenty years ago, and have since seen her in and around Vinita quite often.

LUSTER FORDMAN(witness for applicants), at the same time and place, testified as follows: I am about fifty or sixty years old, and my postoffice is Vinita, Indian Territory. I first became acquainted with the applicant, Sarah Starr, about eight years ago. I knew her father, Simp Bean, at Fort Gibson, Indian Territory, in " '66 or '65 " and I guess the applicant was there too at that time.

CLAUDE ALLEN (applicant), appeared before the Commission on May 31, 1901, at Chelsea, Indian Territory, and in support of his application for enrollment testified as follows: I a twenty-one years old. My postoffice is Hayden, Cooweescoowee District, Cherokee Nation, and I have lived in the Cherokee Nation all my life except about six or seven years during which time I was attending school at Fort Scott, Kansas. I do not know who my father was; my mother's name is Sarah Starr, she is now living on Lightning Creek,(Cherokee Nation). She formerly lived at Vinita, Indian Territory, Joplin, Missouri, and Fort Scott, Kansas. Her parents were named Simp and Caroline Bean. (Cherokee Freedman enrollment card No. R 103 shows said applicant's father to be John W. Allen, a non-citizen of the Cherokee Nation.)

W. D. MYRICK (witness for Cherokee Nation), appeared before the Commission on April 6, 1905, at Muskogee, Indian Territory, and testified as follows: I am sixty-nine years old and have lived at Mapleton, Kansas, forty-nine years. I knew the applicant, Sarah Starr, as Sarah Shepherd; also knew her parents Simpson and Caroline Bean. I first became acquainted with this family about '62 or '63 or '64, when they, with a number of other

colored people were brought to Kansas by Government teams, and dropped on my place, about one mile southwest from Mapleton, Kansas. The applicant continuously lived near Mapleton, Kansas, until sometime during the '70's, when she, with her husband, Sam Shepherd, moved to Fort Scott, Kansas. I afterwards saw the applicant at Fort Scott, in 1880.

WILLIAM DEEDS (witness for Cherokee Nation), at the same time and place, testified as follows: I am fifty-eight years old, have lived at Fort Scott, Kansas, twenty-three years, and moved there from Mapleton, Kansas, where I had lived since 1857; I have known the applicant, Sarah Starr, from her childhood up, and first became acquainted with her about one year after the war. She was then living near Mapleton, Kansas, with her father, Simp Bean, and mother, I don't remember her name. She had lived at and around Mapleton ten or twelve years when she moved away. I next saw her at Fort Scott, Kansas; she was living there with one Dr. Allen, a white man, when I first moved to that place, and she continuously lived there until about twelve years ago.

IDA BOYD (witness for Cherokee Nation), at the same time and place, testified as follows: I am thirty-two years old and live at Fort Scott, Kansas. I knew the applicant, Sarah Starr, as Mrs. Allen, and have known her ever since I can remember, and since that time until 1894 she resided continuously at Fort Scott, Kansas. She lived with a white man, Dr. Allen; they had five children, named Charley, Will, John, Claude and Clara. I was married in 1893 to one Dan Boyd, and shortly thereafter, when this Allen family left Fort Scott, Kansas, my husband purchased their house and furniture, and on their departure we moved into the house, which I remember was in 1894.

SARAH STARR (applicant), on April 6, 1905, further testified as follows: My father and mother were named Simpson and Caroline Bean; I have heard that my father died near Mapleton, Kansas, I don't know this to be true as I never lived there. I do not know what became of my husband, Allen. After we left Fort Scott we separated at Joplin, Missouri, in 1894. We have five children named Charley, Will, John, Claude and Clara. I don't know what became of my former husband, Sam Shepherd; I last saw him on Grand River during a big Association. I know the witnesses, Mr. Myrick, Mr. Deeds and Mrs. Boyd, who have testified in this case. Don't know when I first became acquainted with them, it has been a long time though. Mrs. Boyd has visited me at my house when I lived at Fort Scott, Kansas.

JOE BEAN (witness for applicants), on April 20, 1905, at Muskogee, Indian Territory, testified as follows: I am a recognized Freedman citizen of the Cherokee Nation and have lived on Grand River since 1866. I first became acquainted with the applicant, Sarah Starr, when she and her husband, Dr. Allen, were living on my brother's place on Grand River, about eighteen or

twenty years ago. I am quite sure this applicant was living on Lightning creek, Cherokee Nation, during the year 1898.

CASE SUBMITTED ON THE RECORD AS NOW MADE UP.

None of the applicants herein can be identified on any roll of the Cherokee Nation in the possession of the Commission.

FINDINGS OF FACT AND CONCLUSION: It is considered by the Commission that the evidence in this case shows that the applicant, Sarah Starr, was the slave of a Cherokee citizen at the commencement of the rebellion; that she was taken from the Cherokee Nation during said rebellion, and did not return thereto within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc. vs. the Cherokee Nation et al., for the return of freedmen to the Cherokee Nation; and that the applicants, Clara and Claude Allen, were born since 1866, are children of the said applicant, Sarah Starr, and possess no rights to enrollment as Cherokee freedmen, other than as descendants of their said mother.

IT IS, THEREFORE, THE OPINION OF THIS COMMISSION: That the applications for the enrollment of Sarah Starr, Clara Allen and Claude Allen, as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby.

Chairman

(SIGNED) T. B. Needles.

Commissioner

(SIGNED) C. R. Breckinridge.

Commissioner

Dated at Muskogee, Indian Territory,
this JUN 28 1905

COPY.

Cherokee Freedmen

R-103.

Muskogee, Indian Territory, June 28, 1905.

Claude Allen,

Hayden, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 28, 1905, rejecting, among others, the application for your enrollment as a Cherokee freedman. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED: Tams Bixby.
Chairman.

Incl. S-11
Register

COPY.

Cherokee Freedmen

R-103.

Muskogee, Indian Territory, June 28, 1905.

Edgar Smith,

Attorney for Claude Allen,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 28, 1905, rejecting, among others, the application for the enrollment of Claude Allen as a Cherokee freedman. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED). Tams Bixby.

Chairman.

Incl. S-12
Register

COPY.

Cherokee Freedmen

D-947-R-103.

Muskogee, Indian Territory, June 28, 1905.

Fell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 26, 1905, rejecting the applications for the enrollment of Sarah Starr, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) Tams Bixby.

Chairman.

Incl. 8-13.

COPY.

Cherokee Freedmen
D-947 R-103.

Muskogee, Indian Territory, June 28, 1905.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings had in the matter of the applications for the enrollment of Sarah Starr, et al., as Cherokee freedmen, including the Commission's decision dated June 28, 1905, rejecting said applications.

Respectfully,

Tams Bixby.
Chairman.

Incl. S-14

Through the

Commissioner of Indian Affairs.

JS Jr.

D. C. 22344

DEPARTMENT OF THE INTERIOR, LLB

WASHINGTON.

I.T.D. 8471, 8610-1905. July 10, 1906.

L.R. S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

June 28, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application for the enrollment of Sarah Starr, Clara Allen, and Claude Allen, as Cherokee freedmen.

Reporting July 18, 1905, the Indian Office recommended that the Commission's decision, adverse to the applicants, be approved. A copy of its letter is inclosed.

September 7, 1905, the attorneys for the applicants filed a motion for review of said decision.

There appears to be no proper reason for granting said motion, and it is accordingly denied.

The Department concurs in the recommendation made, and the decision of the Commission to the Five Civilized Tribes dated June 28, 1905, is hereby affirmed.

Respectfully,

Jesse E. Wilson

Assistant Secretary.

1 inclosure.

Land
50930-1905. DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS
WASHINGTON. July 18, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated June 28, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Sarah Starr for herself and her minor child, Clara Allen, and by Claude Allen for himself.

June 28, 1905, the Commission decided adversely to all the applicants.

The record shows that Sarah Starr was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that she was taken out of the Cherokee Nation during the war, and did not return thereto on or before February 11, 1867; that Clara and Claude Allen were born since 1866, are children of Sarah Starr and possess no rights to enrolment other than as her decendants. None of the applicants is identified on any Cherokee roll.

In view of the record the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

M.M.M.(W)

Cherokee F.
D. 947 et al.

COPY.

Muskogee, Indian Territory, July 21, 1906.

Blue & Bulger,

Attorneys for Sarah Starr, et al.,

Baxter Springs, Kansas.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 28, 1905, rejecting the applications of Sarah Starr, et al., for enrollment as Cherokee freedmen, was affirmed by the Secretary of the Interior, July 10, 1906, and that the motion for review of said decision, filed by you September 7, 1905, was denied by the Department on said date.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Tams Bixby.
Commissioner.

IncI.C-12
1385

Cherokee F.
D. 947. et al.

COPY.

Muskogee, Indian Territory, July 21, 1906.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 28, 1905, rejecting the applications of Sarah Starr, et al., for enrollment as Cherokee freedmen, was affirmed by the Secretary of the Interior, July 10, 1906, and that the motion filed September 7, 1905 for review of said decision, was denied by the Department on said date.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Tams Bixby.
Commissioner.

Encl.C-13
LMC

COPY.

Cherokee F.
R. 103.

Muskogee, Indian Territory, July 21, 1906.

Claude Allen,

Hayden, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 28, 1905, rejecting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior, July 10, 1906, and that the motion for review of said decision, filed by your attorneys September 7, 1905, was denied by the Department on said date.

Respectfully,

Tams Bixby.
Commissioner.

LMC

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Vinita I.T. Oct 15 1901.

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of Islands Allen for enrollment as Freedmen of the Cherokee Nation.

McAlester & Smith
Attys for applicant.

No. FR 103

ENROLLMENT REFUSED.

403

CHEROKEE FREEDMAN.

IN THE MATTER OF THE APPLICATION OF

Claude Allen

FOR ENROLLMENT AS

CHEROKEE FREEDMEN

P.O. original testimony May 31-01

Memo of application "

Receipt for witness fee

See Delaware Freedmen Jacket

No. 935

Cher Fr R 104

Cher Fr R 104

REJECTED: as to husband, Isom Jones.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 1st, 1901.

In the matter of the application of Rachel Jones for the enrollment of herself and two children as Cherokee Freedmen, and for the enrollment of her husband as an intermarried Cherokee Freedman; being sworn and examined by Commissioner Needles, she testified as follows:

Appearances:
Mr. Smith, of Mollette& Smith, for applicants.
Mr. L.B.Bell, Cherokee Representative.

Q What is your name? A Rachel Jones.
Q How old are you? A I don't know, I guess I am about 46.
Q What is your post-office? A Coffeyville.
Q In what district do you live? A Cooweescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to be enrolled besides yourself? A Myself and two children, and my husband.
Q Where is your husband? A At home.
Q What is your husband's name? A Isom Jones, he is an adopted citizen.
Q How old is he? A 40 years old.
Q Is he a citizen? A No sir.
Q When did you marry him? A About 11 years ago.
Q Did you have a license? A Yes sir, I had a license.
Q What are the names of your children? A Cynthia and Laura.
Q How old is Cynthia? A 14.
Q What is the name of the next one? A Laura, 10 years old.
Q Named Cynthia ~~Jones~~ Jones and Laura Jones? A Yes sir.
Q Is your name on the roll of 1880? A Not as I know of.

Examined by Attorney Smith:

Q Where did you marry your husband? A Cooweescoowee District.
Q What was his name? A Isom Jones.
Q Did you get any license from any clerk? A Yes sir, he got them at Vinita, I don't know who he got them from; he went and got them.
Q Where is your husband now? A He is home.
Q Where do you live? A Cooweescoowee District.
Q How far do you live from Coffeyville? A Four miles.
Q In the Cherokee Nation? A Yes sir.
Q About how old are you? A I call my self 46 years old, as near as I can guess at it.
Q Were you born a slave? A Yes sir.
Q Who do you belong to? A I belonged to Will Sheppard.
Q Was he a Cherokee Indian? A Yes sir.
Q Where did he live? A At Webbers Falls.
Q Where were you when the war commenced? A I was here in the Nation
Q At what place were you living? A Webbers Falls.
Q Were you taken out of the Nation during the war or not? A I was taken out.
Q When did you get back? A '65.
Q Who did you come back with? A Come back with Will Sheppard.
Q Where have you been living since that time? A I have been living in Cooweescoowee District; after I left them I went to Tahlequah and lived awhile.
Q About when did you leave there? A I stayed with them awhile and left them and went and stayed with a man named Ben Greenleaf down there at Webbers Falls.
Q Have you been living in the Cherokee nation ever since? A Ever since.
Q Are you on the Kern-Clifton roll? A Yes sir. On the Wallace roll

as Rachel Morgan.

By Commissioner Needles:

Q Were you ever married to a man named Morgan? A Yes sir, that's my father.
Q What is his name? A John Morgan.
Q Is he living? A Yes sir.
Q What is your mother's name? A Dinah.
Q Is she living? A No sir, not as I know of.
Q Is your father on the roll of 1880? A No sir, not as I know of.

Nome-Clifton pay roll of citizens of the Cherokee nation examined and applicants identified as follows:
page 146 #3657 Rachel Jones, Coowescoowee District.
page 148 #3658 Cynthia Jones, Coowescoowee District;
page 148 #3659 Laura Jones, Coowescoowee District.

Wallace roll of citizens of the Cherokee nation examined and applicant identified as follows:
page 125 #2621 Rachel Morgan, Coowescoowee District.

1880 authenticated roll of citizens of the Cherokee nation examined for applicant, and name not found.

Examined by Cherokee Representative, L.L.Bell:

Q When did you live at Webbers Falls? A I don't know what year it was.
Q How long did you stay there? A I can't count it up that way, I was most too small; I lived awhile with the Sheppards after I come back, and left them and went and lived with Ben Greenleaf right there in the same neighborhood, and he moved away off and come up thereon the Illinois, but I don't know how long it was nor when it was; I was small.
Q Is Will Sheppard alive? A I don't know whether he is or not. I don't think he is.
Q Did he have a wife? A Yes sir.
Q What was her name? A Mary.
Q Is she alive? A I don't know; I haven't seen her since I left there.
Q When you returned with Will Sheppard who else was along? A I don't remember none but the Sheppard family along the road.
Q How old was you when the war began? A I don't know that either, I must have been about six or seven years old I guess.
Q That would make you about 13 or 14 when you returned?
A I said I don't know; it may be; I just guess at my age.
Q Do you think you were five years old when the war began?
A I might have been, I don't know.
Q You have no recollection of the war? A Yes sir.
Q You recollect leaving the Nation? A I do.
Q Where did you go? A Went to the Choctaw Nation.
Q What route in the Choctaw Nation, what town? A I don't know nothing about no town; we lived on a creek we called Blue.
Q Close to that Armstrong Academy? A I don't remember that either.
Q Down there where them folks all refugeed in a pile? A I don't remember that, I have forgot it; seems like too there was a town there but I don't remember that; I know it was on Blue.
Q How old was Will Sheppard? A I don't know.
Q Was he an old man? A He was a young man.
Q Had a wife? A Yes sir.
Q His wife Mary, what was her name when she married him?

A I don't kow.
Q Could you name anybody else around Webbers Falls that was there when you come back? A Yes sir, I can.
Q Would you name one? A Yes.
Q Well, let's hear it? A Jim Mackey was there.
Q He is a dead man, I want some live fellow? A He was there when I come, and old man Vough was there.
Q That's another dead fellow? A Well he died since I come away from there, but they was there; Bob Hank used to live there, and he aint dead unless he died lately.

Exam ned by Commissioner Needles:
Q You didn't go any further south than the Choctaw Nation? A That is all the ~~farther~~ farther I went.
Q You didn't get out of the Indian Territory A They called it the Choctaw Nation.
Q Who did you come back with? A The people I went with.
Q What year? A '65.
Q You have been living in the Cherokee Nation ever since?
A Yes sir.

L. D. DANIELS, being sworn by Commissioner Needles testified as follows:
Exam ned by Attorney Smith:

Q State your name? A L.D.Daniels.
Q What is your post-office? A Claremore.
Q How old are you? A 56
Q How long have you lived in the Cherokee Nation? A All my life.
Q Are you a Cherokee Freedman? A Yes sir,
Q Do you know Rachel Jones? A Yes sir.
Q Do you know whether she was a slave or not? A No, not by my own ~~knowledge~~ personal knowledge.
Q How long have you known her, how long since you first became acquainted with Rachel Jones? A The spring of '66 sir.
Q Where did you see her? A At Webbers Falls.
Q Where was she, at what place? A At Charles Mackey's.
Q Was she living there, could you state? A Yes sir, she was living there with Charles Mackey.
Q Do you know where she has been living since that time? A It may have been a couple of years after then I found her with Tom Greenleaf, a Cherokee Freedman, at the salt link on Illinois river, ten or fifteen miles probably, north-east of Webbers Falls.
Q When did you next see her after that? A At Tahlequah.
Q About how long after? A It probably was four or five years after that.
Q When did you next see her after you saw her at Tahlequah?
A I didn't see her any more, it must have been '76, I didn't see her any more until I moved up in Coowescoowee, I found her there on the Verdigris River.
Q When was that you say what year? A That was in 1876
Q Where has she been living since that time? A On the Verdigris river in Coowescoowee.
Q Do you know whether she has any children or not? A Two I think, I am satisfied there are two.
Q You know her present husband? A Yes sir.
Q What is his name? A Isom Jones.

Examin d by the Cherokee Representative, L.B.Bell:

Q You know that he has been living here on Big Creek where he is living now, continuously since '76? A Yes I do, on Verdigris.

she lives in about six miles of me.
Q Does she live there near Claremore? A No sir, she lives near my farm on Verdigris, at Goosneck Band.
Q What were you doing at Webbers Falls in 1866 when you saw her?
A I went to see my uncle.
Q What time of the year? A It was in the spring of '66, April or May.
Q You wasn't issuing rations then were you? A Hadn't commenced yet good; had issued a little and stopped it; eating too much of it.

EDMOND VANN, being sworn sby Commissioner Needles, testified as follows:
Examined by Attorney Smith:

Q State your name? A Edmond Vann.
Q Where do you live? A On Verdigris.
Q What is your post-office? A Lenapah.
Q How long have you ~~known~~ been living there? A Ever since 1880 I think.
Q How long have you lived in the Cherokee Nation? A I was raised in the Cherokee Nation.
Q Do you know this applicant, Rachel Jones? A Yes sir.
Q You know who she belonged to? A Yes sir.
Q Who? A Old Jack Sheppard.
Q Where did he live before the war? A At Webbers Falls.
Was he an Indian citizen? A Yes sir.
Q Where were you living at that time? A I was living down there too.
Q You know where Rachel was at the time the war broke out?
A Yes sir.
Q Where was she? A She was with Jack Sheppard.
Q You know what became of her during the war? A Yes sir.
Q What? A She went south.
Q When did you first see her back in the Cherokee nation after the war? A In '65.
Q Where did you see her? A Right there at the Webbers Falls where she went from.
Q You know how long she stayed around Webbers Falls there? A No sir, I don't know how long she stayed there.
Q Did you see her after she left Webbers Falls at any places in the Cherokee nation? A Yes sir.
Q Where? A At Tahlequah.
Q About how long was she at Tahlequah? Or do you know? A I don't know, she was going there to school.
Q Did you see her after she left Tahlequah? A I saw her up here on the Verdigris after that.
Q How far from where you are living now, about? A It is about ten miles I reckon.
Q Does she live within ten miles of you now? A Yes sir.
Q How long has she been living there? A I don't know, sir.
Q Was she there when you went there? A Yes sir.
Q Been living there ever since? A Yes sir.
Q Has she got any children? A I don't know; I never knew the woman had any children until she said so awhile ago.
Q You don't know anything about her children? A No sir.

Examined by the Cherokee Representative, L.B.Bell:

Q Did you go south during the war? A Yes sir.
Q Is Jack Sheppard alive? A No.
Q When did he die? A At Webbers Falls.
Q After the war? Before the war.
Q When you were mistaken about her going [illegible]

QA I said she lived with Jack Sheppard.
Q You said she went south with Jack Sheppard, but I thought you didn't mean it? A No, it was my mistake; she went with Will Sheppard south.
Q You know Will Sheppard? A Yes sir.
Q You know whether he is alive or not? A I don't think he is.
Q Did you know his wife? A No.
Q When did you come back? A In '65.
Q Who came with you? A There was seven of us came together, Chicle saw folks.
Q You didn't come to the your former owners then? A No sir.
Q Any Cherokee families come along when you did at all? A No.
Q You sort of quit them folks did you? A Yes sir, I thought I would quit and come home.

Examined by Commissioner Needles:

Q Is your name on the roll of 1880? A Yes sir.
Q How far south did you go? A On Red River.
Q Did you go into Texas? A Some times I would go into Texas and then back home; I didn't live in Texas though.
Q How far south did the applicant go, Rachel? A I don't know that.

Examined by Attorney Ed Ta:

Q Who was Will Sheppard? A Will Sheppard was a son of Jack Sheppard.

Com'r: The applicant presents a marriage license issued by the authorities of the United States court on the first day of November, 1880, and a certificate of marriage, certifying that she was married according to the laws of the United States to one Isom J. Jones, on the 6th day of November, 1890.

Applicant recalled, and examined by Attorney Ed Ta:

Q Who was Cynthia, is it Cynthia Jones? A Yes sir.
Q And Laura you say? A Yes sir.
Q How old did you say Cynthia was? A 17 years old.
Q How old was Laura? A 10.
Q Had you and Isom Jones been married before you got that license at Vinita? A No sir.
Q Are these his children? A Yes sir.
Q Had you been living together? A Yes sir.
Q And afterwards married? A Yes sir.
Q How long had you been living together? A I can't tell you that; we have been married 11 or 12 years.
Q How long had you then had you and he been living together before you married? A I don't know, about a few years I guess 2 or 3 years.
Q Were you living together as husband and wife? A Yes sir.
Q Did you have any other husband? A No sir.
Q Did he have any other wife? A No sir. He is dead now.

Examined by Commissioner Needles:

Q Isom Jones was a Creek? A Yes sir.

Com'r: Applicant Rachel Jones applies for the enrollment of herself, and two children, Cynthia and Laura, as Creek freedmen; she applies for the enrollment of her husband, Isom Jones, as a Creek freedman by Antietam privilege upon exhibition of the roll of 1880 the name of Rachel Jones is not found and is duly identified upon the Dawes Citizen roll as Rachel

Rachel Jones et al 6

Jones and upon the Wallace roll as Rachel Morgan, that having been her name previous to her marriage to her present husband, Isom Jones; the names of the two children, Cynthia and Laura are duly identified upon the Starns-Clifton roll, and make satisfactory proof as to read donne, consequently, Rachel Jones and her two children, Cynthia and Laura will be listed ~~xxx~~ upon a doubtful card for enrollment as a Cherokee Freedman, by reason of the fact that her name is not upon the authenticated ~~roll of 1880 and the protest of the Cherokee nation.~~ not

Proof is adduced that said Rachel Jones was married to said Isom Jones, her husband, according to the laws of the Cherokee Nation, he having been a state man and non-citizen, consequently, the application for the enrollment of Isom Jones as a Cherokee Freedman ~~xxx~~ citizen by intermarriage is rejected.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and correct transcript of ~~his stenographic~~ notes thereof.

M D Green

Subscribed and sworn to before me this June 3, 1901.

Commissioner.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JUN 1 1901

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 1 1901

Post Office Coffeyville, Kas

District Coffeyville

1. Name Dan Gunn Age HD

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

2. Name of wife Rachel Age

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

3. Year Page No. Dist.

4. Year Page No. Dist.

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by wife Rachel Gunn Stenographer M. W. Green

Represented by Mellette & Smith, Ennista, O.T.

-PARTM-
COMMISSION TO [illegible] CIVILIZED TRIBES.
[illegible]

P. F. PETTIBONE & CO., LAW AND PUBLIC OFFICE STATIONERS, 69-83 ADAMS ST., CHICAGO.

No. 42

MARRIAGE LICENSE

United States of America,
INDIAN TERRITORY,
First Judicial Division, } ss.

To any Person authorized by Law to Solemnize Marriage—Greeting:

You are Hereby Commanded to solemnize the Rite and publish the Banns of Matrimony between Mr. Isham J. Jones of in the First Div. Indian Territory aged 31 years, and Miss Rachel Moyan of in the First Div. Indian Territory aged 32 years, according to law, and do you officially sign and return this License to the parties therein named.

Witness my hand and Official Seal, this 6th day of November A. D. 1890

Wm Nelson
Clerk of the U. S. Court.

By C. B. Moyan Deputy.

CERTIFICATE OF MARRIAGE.

United States of America,
INDIAN TERRITORY,
Minister of Judicial Division, } ss.

I, Rev Joseph Smith a Solemnize the marriage Between the above named

Do Hereby Certify, that on the 6 day of October A. D. 1890, I did duly, and according to law, as commanded in the foregoing License, solemnize the Rite and publish the Banns of Matrimony between the parties therein named.

Witness my hand this 6 day of November A. D. 1890

My credentials are recorded in the Office of the Clerk of the United States Court, Indian Territory, Judicial Division, Book , Page

Rev Joseph Smith

a Richard Speaks

NOTE.—This License and Certificate of Marriage must be returned to the Office of the Clerk of the United States Court, in the Indian Territory, from whence it was issued, within sixty days from the date thereof, or the party to whom the License was issued will be liable in the amount of One Hundred Dollars [illegible].

Department of the Interior.

Commission to the Five Civilized Tribes.

In the matter of the application for enrollment of William Davis, et al., as citizens by intermarriage of the Cherokee Nation, consolidating the applications of:

William Davis,	Cherokee Freedmen D— 14,
Henry Thomas,	Cherokee Freedmen D— 38,
Ella Vann,	Cherokee Freedmen D— 70,
Mary Markham,	Cherokee Freedmen D—109,
Frances Melton,	Cherokee Freedmen D—110,
John Dotson,	Cherokee Freedmen D—111,
Mary Jane Vann,	Cherokee Freedmen D—116,
Thomas Lowe,	Cherokee Freedmen D—119,
Ella Mayfield,	Cherokee Freedmen D—121,
Sallie Rider,	Cherokee Freedmen D—147,
Reuben Campbell,	Cherokee Freedmen D—157,
Van Jackson Luther,	Cherokee Freedmen D—174,
Cassie Middleton,	Cherokee Freedmen D—178,
Mary Harlin,	Cherokee Freedmen D—179,
Nellie Fields,	Cherokee Freedmen D—193,
John Kimbo,	Cherokee Freedmen D—196,
William S. Madden,	Cherokee Freedmen D—199,
Jane Bean,	Cherokee Freedmen D—205,
Albert T. Thomas,	Cherokee Freedmen D—240,
Mary Campbell,	Cherokee Freedmen D—270,
Caroline Daniels,	Cherokee Freedmen D—282,
Melvina Alberty,	Cherokee Freedmen D—287,
Dave Morris,	Cherokee Freedmen D—288,
Alexander Claggett,	Cherokee Freedmen D—303,
Amanda Martin,	Cherokee Freedmen D—304,
Eliza Martin,	Cherokee Freedmen D—317,
John E. Barnes,	Cherokee Freedmen D—315,
Bell Davis,	Cherokee Freedmen D—336,
Samuel Brown,	Cherokee Freedmen D—340,
Howard F. Watson,	Cherokee Freedmen D—341,
Jack McConnell,	Cherokee Freedmen D—349,
Maude Manley,	Cherokee Freedmen D—350,

George Reed, Sr.,	Cherokee Freedmen D—382,
Buck Ledman,	Cherokee Freedmen D—406,
Bell Thompson,	Cherokee Freedmen D—411,
Lewis Scott,	Cherokee Freedmen D—420,
Abe Scott,	Cherokee Freedmen D—421,
Elmer Lampton,	Cherokee Freedmen D—425,
Thomas E. Allen,	Cherokee Freedmen D—426,
Lewis Vanderford,	Cherokee Freedmen D—426,
John L. Bowlin,	Cherokee Freedmen D—444,
Katie Davis,	Cherokee Freedmen D—455,
Charles Williams,	Cherokee Freedmen D—473,
John J. Rose,	Cherokee Freedmen D—474,
Jane Martin,	Cherokee Freedmen D—486,
Lena Peterson,	Cherokee Freedmen D—490,
Alex Johnson,	Cherokee Freedmen D—493,
Martha Vann,	Cherokee Freedmen D—495,
John Scott,	Cherokee Freedmen D—501,
Nancy Rose,	Cherokee Freedmen D—513,
Charles C. Smith,	Cherokee Freedmen D—514,
Susie Colbert,	Cherokee Freedmen D—520,
William Skaggs,	Cherokee Freedmen D—545,
Susie Johnson,	Cherokee Freedmen D—546,
Alfred P. Hopkins,	Cherokee Freedmen D—550,
Kizzie Vann,	Cherokee Freedmen D—552,
Freddie Looney,	Cherokee Freedmen D—573,
Lucy Chouteau,	Cherokee Freedmen D—584,
Alice Durant,	Cherokee Freedmen D—588,
Mahaley Ward,	Cherokee Freedmen D—606,
Fred D. Thomas,	Cherokee Freedmen D—650,
Bettie Beck,	Cherokee Freedmen D—665,
Ellis Warren,	Cherokee Freedmen D—667,
Millie Robinson,	Cherokee Freedmen D—674,
Mary Webber,	Cherokee Freedmen D—691,
Frances Martin,	Cherokee Freedmen D—695,
Mary Riley,	Cherokee Freedmen D—696,
Emanuel Taylor,	Cherokee Freedmen D—699,
Henry Sykes,	Cherokee Freedmen D—733,
Larkin P. Powell,	Cherokee Freedmen D—735,
Stepney Dawn,	Cherokee Freedmen D—736,
Malinda Vann,	Cherokee Freedmen D—741,
Frances Johnson,	Cherokee Freedmen D—742,
Annie Foster,	Cherokee Freedmen D—743,
Mary H. Rogers,	Cherokee Freedmen D—752,
George Washington Lane,	Cherokee Freedmen D—759,
Jane Brown,	Cherokee Freedmen D—760,

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Samuel L. Young,	Cherokee Freedmen D—761,
John Buckner,	Cherokee Freedmen D—780,
Willis Cox,	Cherokee Freedmen D—781,
Leonard Bowles,	Cherokee Freedmen D—787,
Malinda Murrell,	Cherokee Freedmen D—788,
Charles Claggett,	Cherokee Freedmen D—789,
Samuel Irven,	Cherokee Freedmen D—798,
Mary Ross,	Cherokee Freedmen D—799,
Maggie Nave,	Cherokee Freedmen D—808,
Neoma Nave,	Cherokee Freedmen D—816,
Ella Ross,	Cherokee Freedmen D—840,
Elizabeth Duncan,	Cherokee Freedmen D—871,
Sadie Adams,	Cherokee Freedmen D—880,
Georgeann Archer,	Cherokee Freedmen D—901,
John Claggett,	Cherokee Freedmen D—912,
Hattie Smith,	Cherokee Freedmen D—923,
Jack Jackson,	Cherokee Freedmen D—936,
Lula Sanders,	Cherokee Freedmen D—973,
George Hazelrig,	Cherokee Freedmen D—987,
Lizzie West,	Cherokee Freedmen D—990,
Maria French,	Cherokee Freedmen D–1010,
Mary Johnson,	Cherokee Freedmen D–1039,
Maggie Vann,	Cherokee Freedmen D–1062,
William Hudson,	Cherokee Freedmen D–1067,
Sarah Rogers,	Cherokee Freedmen D–1078,
Abraham Ballard,	Cherokee Freedmen D–1082,
Laura David,	Cherokee Freedmen D–1085,
John Deckman,	Cherokee Freedmen D–1105,
James B. Perry,	Cherokee Freedmen R— 39,
Isaac Welch,	Cherokee Freedmen R— 45,
Lawson Logan,	Cherokee Freedmen R— 48,
George Howell,	Cherokee Freedmen R— 56,
Henry Masir,	Cherokee Freedmen R— 72,
George Adams,	Cherokee Freedmen R— 82,
Annie Thomas,	Cherokee Freedmen R— 83,
Lewis McConnell,	Cherokee Freedmen R— 86,
Callie Vann,	Cherokee Freedmen R— 94,
Lou Peters,	Cherokee Freedmen R— 96,
Ida Adair,	Cherokee Freedmen R— 99,
Robert Brown,	Cherokee Freedmen R—100,
Allie Chambers,	Cherokee Freedmen R—102,
Isom Jones,	Cherokee Freedmen R—104,
Alice Gunter,	Cherokee Freedmen R—105,
Katie Adair,	Cherokee Freedmen R—106,
Carrie Martin,	Cherokee Freedmen R—107,

Benjamin Charley,
Emily Mooney,
John Groves,
Matilda McNair,
Bettie Vann,
Nellon Lott,
Fannie Rogers,
William Washington,
Squire Warren Owens,
Fannie Goldsby,
Sauna Daniels,
Anderson Turk,
David Lane,
Felix McClain,
Henderson Jones,
Belle Vann,
Levi Stroud,
John Sumpter,
Mariah Thompson,
Ellen Sheppard,
Lula Melton,

Cherokee Freedmen R—108;
Cherokee Freedmen R—110,
Cherokee Freedmen R—112,
Cherokee Freedmen R—117,
Cherokee Freedmen R—122,
Cherokee Freedmen R—125,
Cherokee Freedmen R—129,
Cherokee Freedmen R—131,
Cherokee Freedmen R—143,
Cherokee Freedmen R—144,
Cherokee Freedmen R—146,
Cherokee Freedmen R—148,
Cherokee Freedmen R—155,
Cherokee Freedmen R—165,
Cherokee Freedmen R—173,
Cherokee Freedmen R—181,
Cherokee Freedmen R—196,
Cherokee Freedmen R—211,
Cherokee Freedmen R—220;
Cherokee Freedmen R—237,
Cherokee Freedmen R—247.

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DECISION.

It appears from the record herein that applications for enrollment as Cherokee citizens by intermarriage, were made to this Commission by William Davis for himself; by Hannah Thomas for her husband, Henry Thomas; by Jim Vann for his wife, Ella Vann; by Sig Markham for his wife, Mary Markham; by Nathan Melton for his wife, Frances Melton; by Mary Dotson for her husband, John Dotson; by George W. Vann for his wife, Mary Jane Vann; by Thomas Lowe for himself; by Thomas Mayfield for his wife, Ella Mayfield; by James Rider for his wife, Sallie Rider; by Martin Campbell for himself; by Van Jackson Luther for himself; by Tobe Midleton for his wife, Cassie Midleton; by Thomas Harlin for his wife, Mary Harlin; by John Fields for his wife, Nellie Fields; by John Kimbo for himself; by William M. Vickers for himself; by Tobias Bean for his wife, Jane Bean; by Etta Thomas for her husband, Albert T. Thomas; by James Campbell for his wife, Mary Campbell; by Frank Daniels for his wife, Caroline Daniels; by Jim Alberty for his daughter-in-law, Melvina Alberty; by Sarah Morris for her husband, Dave Morris; by Jane Claggett for her husband, Alexander Claggett; by Payton Martin for his wife, Amanda Martin; by Charles Martin for his wife, Eliza Martin; by John E. Barnes for himself; by Joe Davis for his wife, Bell Davis; by Ellen Brown for her husband, Samuel Brown; by Mary Ann Watson for her husband, Howard P. Watson; by Jack McConnell for himself; by Maude Manley for herself; by George Reed, Sr., for himself; by Buck Ledman for himself; by Bell Thompson for herself; by Lewis Scott for himself; by Abe Scott for

himself; by Kendler Lampton for himself; by Thomas E. Allen for himself; by Lewis Vanderford for himself; by Elizabeth Bowlin for her husband, John L. Bowlin; by John D. Davis for his wife, Katie Davis; by Charles Williams for himself; by John J. Rose for himself; by David Martin for his wife, Jane Martin; by Fred Peterson for his wife, Lena Peterson; by Mariah Johnson for her husband, Alex Johnson; by Joseph Vann for his wife, Martha Vann; by John Scott for himself; by Steve Looney for Nancy Ross; by Charles C. Smith for himself; by James Colbert for his wife, Susie Colbert; by Rosanna Skagg for her husband, William Skagg; by Susie Johnson for herself; by Alfred P. Hopkins for himself; by Charles Vann for his wife, Kizzie Vann; by Jake Looney for his wife, Freddie Looney; by Lucy Chouteau for herself; by Alice Durant for herself; by Alonzo Ward for his wife, Mahaley Ward; by Fred D. Thomas for himself; by Benjamin Beck for his wife, Bettie Beck; by Ellis Warren for himself; by William Henry Robinson for his wife, Millie Robinson; by Josh Webber for his wife, Mary Webber; by Otto Martin for his wife, Frances Martin; by Ed Riley for his wife, Mary Riley; by Emanuel Taylor for himself; by Henry Sykes for himself; by Larkin P. Powell for himself; by Stepney Dawn for himself; by Ellis Vann for his wife, Malinda Vann; by David Johnson for his wife, Frances Johnson; by Phillip Foster for his wife, Annie Foster; by Houston Rogers, Jr., for his wife, Mary H. Rogers; by George Washington Lane for himself; by Silas Hammer Brown for his wife, Jane Brown; by Samuel L. Young for himself; by Lizzie Buckner for her husband, John Buckner; by Sarah Cox for her husband, Willis Cox; by Susan Bowles for her husband, Leonard Bowles; by Henry Murrell for his wife, Malinda Murrell; by Charles Claggett for himself; by Samuel Irven for himself; by David Ross for his wife, Mary Ross; by George F. Nave for his wife, Maggie Nave; by Lewis Armstead Nave for his wife, Neoma Nave; by Perry Ross for his wife, Ella Ross; by Elizabeth Duncan for herself; by Perry Adams for his wife, Sadie Adams; by Thomas Archer for his wife, Georgeann Archer; by Nancy Claggett for her husband, John Claggett; by Sonny Smith for his wife, Hattie Smith; by Jack Jackson for himself; by John Sanders for his wife, Lula Sanders; by Mary Haselrig for her husband, George Haselrig; by George West for his wife, Lizzie West; by Maria French for herself; by Mary Johnson for herself; by Maggie Vann for herself; by William Hudson for himself; by Sarah Rogers for herself; by Abraham Ballard for himself; by King David for his wife, Laura David; by John Beckman for himself; by James B. Perry for himself; by Isaac Welch for himself; by Nancy Logan for her husband, Lawson Logan; by Maria Howell for her husband, George Howell; by Amanda Masir for her husband, Henry Masir; by Katie Adams for her husband, George Adams; by Willie Thomas for his wife, Annie Thomas; by Lewis McConnell for himself; by Josh Vann for his wife, Carrie Vann; by Lon Rabers for herself; by Robert Adair for his wife, Lida Adair; by Josie Brown for her husband, Robert Brown; by Mat Chambers for his wife, Allie Chambers; by Rachel Jones for her husband, Isom Jones; by Lewis Gunter for his wife, Alice Gunter; by Amos Adair for his wife, Katie Adair; by William H. Martin for his wife, Carrie Martin; by Benjamin Clark for himself; by Emily Looney for herself; by Mary Groves for her husband, John Groves; by Butler McNair for his wife, Matilda McNair; by Bettie Vann for herself; by Nelson Lett for himself; by Allen Rogers for his wife, Fannie Rogers; by William Washington for himself; by Squire Warren Owens for himself; by Fannie Goldsby for herself; by Charles Daniels for his wife, Susan Daniels; by Rachel Turk for her husband, Anderson Turk; by David Land for himself; by Felix McClain for himself; by Henderson Jones for himself; by Isaac Vann for his wife, Belle Vann; by Maggie Stroud for her husband, Levi Stroud; by John Sumpter for himself; by Mariah Thompson for herself; by Ellen Sheppard for herself; and by Lula Melton for herself, claiming their right thereto by virtue of their marriage to Freedmen Cherokee citizens.

The record further shows that none of the applicants herein make any claim to enrollment as citizens of the Cherokee Nation other than as set forth above.

It further appears from the record herein that at the time applications were made for the enrollment of the above named applicants, application was also made for the enrollment of other applicants as Cherokee Freedmen, but said applications being differently classified are not included in this decision.

It does not appear that any of the applicants herein are identified upon the 1880 Authenticated Cherokee Roll, nor does it appear that any of said applicants has ever been admitted to Cherokee citizenship by a duly constituted court or committee of the Cherokee Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321).

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Lemuel Welcome, (I. T. D. 5848-1904, 11,776-1904), the applications made for the enrollment of William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Midleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin F. Powell, Stepney Dawa, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Melinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington,

Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sampter, Mariah Thompson, Eliza Sheppard and Lula Melton, as Cherokee citizens by intermarriage, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[SIGNED] TAMS BIXBY,
Chairman.

[SIGNED] T. B. NEEDLES,
Commissioner.

[SIGNED] C. R. BRECKINRIDGE,
Commissioner.

MUSKOGEE, INDIAN TERRITORY, JANUARY 19, 1905.

COPY.

Cherokee Freedman
D-205 et al.

Muskogee, Indian Territory, January 24, 1905.

Edgar Smith,

Attorney for Jane Bean et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting, among others, the applications for the enrollment of Jane Bean, Albert L. Thomas, Melvina Alberty, Alexander Claggett, Amanda Martin, Maud Manley, Katie Davis, Charles Williams, John J. Rose, Alex Johnson, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Mahalay Ward, Millie Robinson, Frances Martin, Mary Riley, Samuel Irven, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Ida Adair, Robert Brown, Isom Jones, Alice Hunter, Katie Adair, Susan Daniels, and Levi Stroud as Cherokee citizens by intermarriage.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) Tams Bixby.

Encl. 1-152.
Ind. Corr.

COPY.

Cherokee Freedmen
Bell et al.

Muskogee, Indian Territory, January 26, 1905.

Bell, Hastings & Rutherport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Matthews, Frances Walton, John Watson, Mary Jane Vann, Thomas Love, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Gather, Cassie Middleton, Mary Martin, Nellie Fields, John Kirby, William S. Nelson, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Roberts, Melvina Alberty, Dave Morris, Alexander Sheppard, Amanda Martin, Brian Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard P. Vaughan, Jack McConnell, Mamie Manley, George Reed, Sr., Dudd Lollar, Bell Thompson, Lewis Scott, Abe Scott, Thomas Langston, Thomas E. Allen, Lewis Vanderford, John T. Rowlin, Katie Davis, Charles Williams, John F. Ross, Jane Martin, Isom Peterson, Alex Johnson, Martha Vann, Adam Scott, Nancy Reed, Stephen C. Smith, Sarah Coltharp, William Rogers, Dudie Johnson, Alfred D. Hopkins, Viola Vann, Franklin Lackey, Mary

Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie [illegible], Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stephen Dunn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Norma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hasselrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deakman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Mamir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lee Peters, Ida Adair, Robert Brown, Allie Chambers, Leon Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lott, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by intermarriage.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the

[illegible] will be made known to you as soon as the Commission is informed of the same.

[illegible],

(SIGNED) Jane Bixby.
[illegible].

1861. K-9.

COPY.

Cherokee Freedmen

R-104.

Muskogee, Indian Territory, January 24, 1905.

Isom Jones,

Coffeyville, Kansas.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage. A copy of the Commission's decision has this day been forwarded to your attorney, Edgar Smith, Vinita, Indian Territory.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) Tams Bixby.

Chairman.

Incl. S-86.

Register.

COPY.

Cherokee Freedman
>14 et al.

Muskogee, Indian Territory, January 24, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted record of proceedings had in the matter of the applications for the enrollment of, William [illegible], Henry [illegible], Ella Vann, Mary [illegible], Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary [illegible], Nellie Fields, John Kimbo, William S. Maddox, [illegible] Bean, Albert P. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Lehman, Bell Thompson, Lewis Scott, Abe Scott, Hunter Tompton, Thomas E. Allen, Lewis Vandagriff, John L. Rowlin, Katie Davis, Charles Williams, John S. Ross, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Cosbery, William Sharpe, Susie Johnson, Alfred P. Hopkins, Elmira Vann, Freddie Lackey, Lucy Chouteau, Alice Durant, Mahaley Wood, Virgil D. Thomas, Nettie Rook, Ellis Warren, Willie Robinson, Mary Webber,

Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Lawton W. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary E. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Ware, Norman Ware, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Laura West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Buckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lott, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Thomas Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by intermarriage, including the Commission's decision dated January 19, 1906, rejecting said applications.

Respectfully,

(SIGNED). Tams Bixby.

Chairman.

Incl. K-8.

Through the
Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, March 20, 1905.

Refer in reply
to the following:
Land.
7908-1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 24, 1905, transmitting the record of the application for the enrollment as Cherokee citizens by intermarriage to Cherokee freedmen by William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Love, Ella Mayfield, Sallie Elder, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Carolina Daniels, Melvina Alberty, Dave Morris, Alexander Blagmitt, Amanda Martin, Eliza Martin, John R. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Mamie Manley, George Reed, Sr., Buck Lehman, Bell Thompson, Louis Scott, Ann Scott, Kender Langston, Thomas R. Allen, Lewis Vanderford, John L. Rowlin, Katie Davis, Charles Williams, John J. Ross, Jane Martin, Lena Petersen, Alex Johnson, Martha Vann, John Scott, Nancy Reed, Charles C. Smith, Susie Colbert, William Shaggt, Susie Johnson, Alfred P. Hopkins, Mamie Vann, Freddie Looney, Lucy Christen, Alice Durant, Mahaley Ward, Fred B. Thomas, Dottie Beck, Ellis Pearson, Willie Robinson, Mary Webber, Frances Martin, Mary Riley,

Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary E. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Haselrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Mamir, George Mims, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Johns, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lott, Fannie Rogers, William Washington, Squire Warren Greene, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sampler, Mariah Thompson, Ellen Sheppard, and Lula Walton.

January 19, 1905, the Commission decided adversely to all the applicants.

The record shows that none of the applicants makes claim to enrollment as citizens of the Cherokee Nation, except by intermarriage with a Cherokee Freedman; that none has ever been enrolled or admitted to citizenship by any tribal authority of the Cherokee Nation or by any United States tribunal and that none

is identified on the 1880 authenticated Cherokee roll.

In view of the record and of the ruling of the Department of November 12, 1904 (I. T. D. 8648-1904) in the Lemuel Welcome case, the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

W.W.W.
W.

(C O P Y)

D. C. 20677-1905
I.T.D. 2904-1905

W.C.P.
P M R

L R S

DEPARTMENT OF THE INTERIOR

WAR IN T'N.

April 19, 1905.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

January 24, 1905, you transmitted the record in the matter of the applications for the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation, including your decision of January 19, 1905, rejecting said applications viz:

William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John R. Barnes Bell Davis, Samuel Brown Howard N. Watson, Jack McConnell, Maude Manley , George Reed Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Xenier Lampton, Thomas R. Allen, Lewis Vanderford, John L. Rowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson Martha Vann, John Scott, Nancy Rose, Charles C. Smith, Susie Colbert

William Skaggs, Junie Johnson, Alfred P. Hopkins, Fizzie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred W. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Fr[illegible] Martin, Mary [illegible]ley, Emanuel Taylor, Henry Sykes, Larkin [illegible]. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary W. Rogers, George Washington Lane, Jane Brown, Samuel D. Young, John Buckner, Willie Cox, Leonard [illegible], Matilda Murrell, Charles Blagett, Samuel Irvin, Mary Sykes, Maggie Davis, Jesse Davis, Ellis Ross, Elizabeth Du Bosan Sadie Adams, Georgeann Archer, John Chaggett, Hattie Smith, Jack Jackson, Julia [illegible]niers, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Beckman, Jim [illegible]. Perry, Isaac Welch, Lenton Logan, George Howell, Henry Adair, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Cherry, Emily Looney, John Groves, Matilda McNair, Bettie Vann Nelson Lett, Minnie Rogers, William Washington, Squire Warren Owens, Minnie Golaaby, Susan Daniels, Anderson Turk, David [illegible]ane, Julia A. McClain, Henderson Jones, Ellis Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Shepard and Lula Melton.

-2-

Reporting on the matter March 21, 1905, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Thos. Ryan
Acting Secretary

1 inclosure

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
R-104.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 28, 1905.

Isom Jones,

Coffeyville, Kansas.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

Chairman.

COPY.

Cherokee Freedmen

R-104.

Muskogee, Indian Territory, April 28, 1905.

Edgar Smith,

Attorney for Isom Jones,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting, among others the application for the enrollment of Isom Jones as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED) Tams Bixby.

Chairman.

COPY.

Cherokee Freedmen

D-14 , et al

Muskogee, Indian Territory, April 28, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED) Tams Bixby.

Chairman.

COPY.

Cherokee Freedmen
3-14, et al.

Muskogee, Indian Territory, April 28, 1906.

Commissioner in Charge,
Cherokee Land Office,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1906, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1906.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Department of the Interior.
Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

APR 29
1905
RECD

CHEROKEE FREEDMAN. R 104

Dearing

IN THE MATTER OF THE APPLICATION OF

C. Dow Jones

FOR ENROLLMENT AS

CHEROKEE FREEDMEN

A. Original testimony June 13 1901

B. Memo of application " "

C. Marriage license and cert.

See Cherokee Freedmen Docket

Nw D 464

Cher Fr R 105

Cher Fr R 105

REJECTED: as to wife, Alice.

Department of the Interior,
Commission to the Five Civilized Tribes
Chelsea, I.T., June 1,1901.

In the matter of the application of Lewis Gunter for the enrollment of himself, and wife as Cherokee Freedmen; his wife as intermarried; being sworn and examined by Commissioner Needles he testified as follows:

Appearances:
Mr. Smith, of Mellette & Smith, for applicant.
L.B.Bell, Cherokee Representative.

Q What is your name? A Lewis Gunter.
Q What is your age? A 25
Q What is your post-office address? A Coffeyville.
Q What district do you live in? A Coowescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Did you ever apply to be enrolled by any other tribe or nation?
A No sir.
Q Who do you want to enroll besides yourself? A Myself and wife.
Q What is her name? A Alice Gunter.
Q How old is she? A 18.
Q Is your name upon the authenticated roll of 1880? A No sir, I think not.
Q Is your name upon any of the rolls of the Cherokee Nation?
Yes sir.
Q What roll? A Kerns-Clifton.
Q Is your wife a Cherokee Freedman? A No sir, only by m .
Q When were you married to her? A (Produces papers)
Q Your wife, then, is a non-citizen? A Yes sir.

Examined by Attorney Smith:

Q How old did you say your wife was? A 18.
Q Now? A Yes sir.
Q When did you marry? A December 12.
Q Who is your mother? A Rachel Rector.
Q Who are your brothers and sisters? A Maggie Gunter, Bertie Gunter, Rachel Gunter, Mitchell Gunter and Forest Gunter.
Q Your mother was the woman who just applied here for enrollment for herself? A Yes sir.
Q Where do you live? A Coowescoowee.
Q How long have you lived in Coowescoowee? A All my life.
Q What is your post-office? A Coffeyville.
Q Get your mail in Coffeyville, Kansas? A Yes sir.
Q How far doy ou live from Coffeyville? A I don't know sir, about, I don't know sir, how far it is.
Q You know about how far it is don't you? A It takes all day to go and come, I can't tell how far it is.
Q ~~How know about how~~ How far do you live from here? A I don't know sir.
Q Com'r Needles: Don't you know about how far it is? A It takes all day to go back, day and a half or something like that.
Q You don't know how many miles it is? A I don't know.
Q It aint a hundred miles? A I don't know sir.
Q Is it five hundred? A I don't now sir, no sir.
Q Is it more than five? A Yes sir.
Q You can judge about how far it is to your house? A I don't know sir, I aint much of a judge on miles.

By Attorney Smith:
Q Have you any children? A No sir.
Q Are you on the Kerns-Clifton roll? A Said to be.

Lewis Gunter et al 2

By Commissioner Needles:

Q Your wife is what is known as a state woman? A Yes sir.
Q She claims no rights to citizenship only through marriage with you? A That's all.

Examined by Cherokee Rep've L.B.Bell:

Q Don't you live in Coffeyville? A No sir.
Q Never did? A No sir.
Q It is a little singular you don't know how far you live from Coffeyville, you trade there don't you? A Yes sir.

Examined by Commissioner Needles:

Q Do you trade in Coffeyville? A Yes sir.
Q How often are you there? A Go up every Saturday,
Q You don't know how far it is? A It is between 10 and 12 miles, it's our trading point.
Q Why didn't you want to tell how far it is? A I aint much of a judge on miles.
Q Now that's a nice way to talk! man come riding by your house and ask how far it was to Coffeyville, you would tell him in a minute.

By Attorney Smith:

Q Were you ever on the witness stand before? A No sir, I never was on the witness stand before.

By Commissioner Needles:
Q Ever been in jail? A No sir.
Q By Smith: You are kind of scared, a little? A No sir, I have been in the court house ; there's nothing to be scared of, gentlemen.
Q By Com'r Needles: No, nothing to be scared of.

1880 authenticated roll of citizens of the Cherokee nation examined for applicant and name not found;

Kerns-Clifton pay roll of citizens of the Cherokee Nation examined and applicant identified on
page 163 #4026 Louis Gunter, Cooweescoowee District;

Wallace roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:
page 115 #2430 Lewis Gunter, Cooweescoowee District.

Q Born and raised in the Cherokee Nation? A Yes sir.

Com'r Needles: Lewis Gunter applies for the enrollment of himself and his wife, Alice; he cannot be identified upon the authenticated roll of 1880, but is fully identified upon the Kerns-Clifton roll and the Wallace roll; he avers that he is a child of Rachel Rester, nee Gunter, who was this day enrolled upon doubtful card D 468, and the testimony taken in said case will be made part of the testimony in the case at bar, and a copy thereof will be filed in the testimony being taken, and said Lewis Gunter will be listed for enrollment as a Cherokee Freedman upon what is known as a doubtful card, awaiting the further consideration of the Commission. (Stenog's note: Rachel Rester applied for her ~~enrollment~~ two children, and not for herself.) He avers that he was married to his wife Alice, in the ~~year 1898~~ late under the law of 1895

Lewis Gunter et al 3

for his wife Alice to acquire any rights, consequently, the application for the enrollment of his wife will be ~~xx~~ rejected; the applicant files a marriage certificate certifying that he was married according to the laws of the ~~Cherokee~~ United States.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this June 3, 1901.

Commissioner.

Book J, Marriage Record, Page 479

WITNESS my hand and seal of said Court at Muscogee, in said Territory

this 20 day of March A. D. 1901

[illegible] Clerk

By [illegible] Deputy

CERTIFICATE OF RECORD.

United States of America,
INDIAN TERRITORY,
Northern District. } ss.

I, CHARLES A. DAVIDSON, Clerk of the United States Court in the Northern District, India Territory, do hereby certify that the instrument hereto attached was filed for record in my office the 8 day of Jan 1901 at M. and duly recorded in Book J, Marriage Record, Page 479

WITNESS my hand and seal of said Court at Muscogee, in said Territory this 8 day of Jan'y, A. D. 1901

Chas. A. Davidson Clerk.

By Deputy.

JAN 8 1901
CHAS. A. DAVIDSON,
Clerk, U. S. Courts.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JAN 1 1901

ACTING CHAIRMAN

I.T.D. 1085

8 ITR-105

MARRIAGE LICENSE

United States of America, } ss. No. 1103
INDIAN TERRITORY,
Northern District

To Any Person Authorized by Law to Solemnize Marriage---Greeting:

You are Hereby Commanded to Solemnize the Rite and publish the Banns of Matrimony between Mr. Lewis Ginter of Coffeyville, in the Indian Territory, aged 25 years, and Miss Alice Bess of Coffeyville, in the Indian Territory, aged 16 years, according to law, and do you officially sign and return this License to the parties therein named.

WITNESS my hand and official seal at Vinita, Indian Territory, this 8th day of December, A. D. 1900.

Chas. A. Anderson
Clerk of the U. S. Court.

By Rachunder Deputy.

CERTIFICATE OF MARRIAGE.

United States of America, } ss.
INDIAN TERRITORY,
Northern District.

I, Shelton D. Brown, a Minister of the Gospel,

DO HEREBY CERTIFY, that on the 12 day of Dec, A. D. 1900,

I did duly and according to law as commanded in the foregoing license, solemnize the Rite and publish the Banns of Matrimony between the parties therein named.

WITNESS my hand this 12 day of December, A. D. 1900.

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Northern District,

Book , Page

Shelton D. Brown
A Minister of the Gospel.

NOTE—This License and Certificate of Marriage must be returned to the Office of the Clerk of the United States Court in the Northern District, Indian Territory, from whence it was issued, within sixty days from the date thereof, or the party to whom the license was issued will be liable in the amount of One Hundred Dollars ($100.00).

COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 1901

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 1 1901

Post Office Fort Gibson, Ind Ter

District 8000

1. Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

2. Name of wife Alice Grayson Age 18

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father Rejected Citizenship .....

Mother ..... Citizenship .....

~~Names of Children~~

3. ..... Year ..... Page ..... No. ..... Dist. .....
4. ..... Year ..... Page ..... No. ..... Dist. .....
5. ..... Year ..... Page ..... No. ..... Dist. .....
6. ..... Year ..... Page ..... No. ..... Dist. .....
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Application made by Lewis Grayson Stenographer W. A. Green

Represented by Mellette & Smith Vinita I.T.

1 ref

Department of the Interior,

Commission to the Five Civilized Tribes.

In the matter of the application for enrollment of William Davis, et al., as citizens by intermarriage of the Cherokee Nation, consolidating the applications of:

William Davis,	Cherokee Freedmen D— 14,
Henry Thomas,	Cherokee Freedmen D— 58,
Ella Vann,	Cherokee Freedmen D— 70,
Mary Markham,	Cherokee Freedmen D—103,
Frances Melton,	Cherokee Freedmen D—110,
John Dotson,	Cherokee Freedmen D—111,
Mary Jane Vann,	Cherokee Freedmen D—115,
Thomas Lowe,	Cherokee Freedmen D—119,
Ella Mayfield,	Cherokee Freedmen D—124,
Sallie Rider,	Cherokee Freedmen D—147,
Reuben Campbell,	Cherokee Freedmen D—167,
Van Jackson Luther,	Cherokee Freedmen D—174,
Cassie Midleton,	Cherokee Freedmen D—178,
Mary Harlin,	Cherokee Freedmen D—179,
Nellie Fields,	Cherokee Freedmen D—188,
John Kimbo,	Cherokee Freedmen D—196,
William S. Madden,	Cherokee Freedmen D—199,
Jane Bean,	Cherokee Freedmen D—205,
Albert T. Thomas,	Cherokee Freedmen D—219,
Mary Campbell,	Cherokee Freedmen D—219,
Caroline Daniels,	Cherokee Freedmen D—221,
Melvina Afferty,	Cherokee Freedmen D—227,
Dave Morris,	Cherokee Freedmen D—236,
Alexander Claggett,	Cherokee Freedmen D—305,
Amanda Martin,	Cherokee Freedmen D—304,
Eliza Martin,	Cherokee Freedmen D—311,
John E. Barnes,	Cherokee Freedmen D—315,
Bell Davis,	Cherokee Freedmen D—316,
Samuel Brown,	Cherokee Freedmen D—320,
Howard F. Watson,	Cherokee Freedmen D—327,
Jack McConnell,	Cherokee Freedmen D—329,
Maude Manley,	Cherokee Freedmen D—333;

George Reed, Sr.,	Cherokee Freedmen D—382,
Buck Ledman,	Cherokee Freedmen D—406,
Bell Thompson,	Cherokee Freedmen D—411,
Lewis Scott,	Cherokee Freedmen D—420,
Abe Scott,	Cherokee Freedmen D—421,
Kender Lampton,	Cherokee Freedmen D—423,
Thomas E. Allen,	Cherokee Freedmen D—424,
Lewis Vanderford,	Cherokee Freedmen D—426,
John L. Bowlin,	Cherokee Freedmen D—444,
Katie Davis,	Cherokee Freedmen D—455,
Charles Williams,	Cherokee Freedmen D—473,
John J. Rose,	Cherokee Freedmen D—474,
Jane Martin,	Cherokee Freedmen D—486,
Lena Peterson,	Cherokee Freedmen D—490,
Alex Johnson,	Cherokee Freedmen D—493,
Martha Vann,	Cherokee Freedmen D—495,
John Scott,	Cherokee Freedmen D—501,
Nancy Ross,	Cherokee Freedmen D—513,
Charles C. Smith,	Cherokee Freedmen D—514,
Susie Colbert,	Cherokee Freedmen D—520,
William Skaggs,	Cherokee Freedmen D—545,
Susie Johnson,	Cherokee Freedmen D—546,
Alfred P. Hopkins,	Cherokee Freedmen D—550,
Kizzie Vann,	Cherokee Freedmen D—552,
Freddie Looney,	Cherokee Freedmen D—573,
Lucy Chouteau,	Cherokee Freedmen D—584,
Alice Durant,	Cherokee Freedmen D—588,
Mahaley Ward,	Cherokee Freedmen D—606,
Fred D. Thomas,	Cherokee Freedmen D—650,
Bettie Beck,	Cherokee Freedmen D—665,
Ellie Warren,	Cherokee Freedmen D—667,
Millie Robinson,	Cherokee Freedmen D—674,
Mary Webber,	Cherokee Freedmen D—691,
Frances Martin,	Cherokee Freedmen D—692,
Mary Riley,	Cherokee Freedmen D—696,
Emanuel Taylor,	Cherokee Freedmen D—699,
Henry Sykes,	Cherokee Freedmen D—733,
Larkin P. Powell,	Cherokee Freedmen D—735,
Stepney Dawn,	Cherokee Freedmen D—736,
Malinda Vann,	Cherokee Freedmen D—741,
Frances Johnson,	Cherokee Freedmen D—742,
Annie Foster,	Cherokee Freedmen D—743,
Mary H. Rogers,	Cherokee Freedmen D—752,
George Washington Lane,	Cherokee Freedmen D—759,
Jane Brown,	Cherokee Freedmen D—760,

Samuel L. Young,	Cherokee Freedmen D—761,
John Backner,	Cherokee Freedmen D—780,
Willie Cox,	Cherokee Freedmen D—781,
Leonard Bowles,	Cherokee Freedmen D—787,
Malinda Murrell,	Cherokee Freedmen D—788,
Charles Claggett,	Cherokee Freedmen D—789,
Samuel Irven,	Cherokee Freedmen D—798,
Mary Ross,	Cherokee Freedmen D—799,
Maggie Nave,	Cherokee Freedmen D—806,
Neoma Nave,	Cherokee Freedmen D—816,
Ella Ross,	Cherokee Freedmen D—840,
Elizabeth Duncan,	Cherokee Freedmen D—871,
Sadie Adams,	Cherokee Freedmen D—880,
Georgeann Archer,	Cherokee Freedmen D—901,
John Claggett,	Cherokee Freedmen D—912,
Hattie Smith,	Cherokee Freedmen D—928,
Jack Jackson,	Cherokee Freedmen D—938,
Lula Sanders,	Cherokee Freedmen D—973,
George Hazelrig,	Cherokee Freedmen D—987,
Lizzie West,	Cherokee Freedmen D—990,
Maria French,	Cherokee Freedmen D–1010,
Mary Johnson,	Cherokee Freedmen D–1039,
Maggie Vann,	Cherokee Freedmen D–1062,
William Hudson,	Cherokee Freedmen D–1067,
Sarah Rogers,	Cherokee Freedmen D–1078,
Abraham Ballard,	Cherokee Freedmen D–1082,
Laura David,	Cherokee Freedmen D–1085,
John Deckman,	Cherokee Freedmen D–1105,
James B. Perry,	Cherokee Freedmen R— 39,
Isaac Welch,	Cherokee Freedmen R— 45,
Lawson Logan,	Cherokee Freedmen R— 48,
George Howell,	Cherokee Freedmen R— 56,
Henry Masir,	Cherokee Freedmen R— 72,
George Adams,	Cherokee Freedmen R— 82,
Annie Thomas,	Cherokee Freedmen R— 83,
Lewis McConnell,	Cherokee Freedmen R— 86,
Callie Vann,	Cherokee Freedmen R— 94,
Lon Peters,	Cherokee Freedmen R— 96,
Ida Adair,	Cherokee Freedmen R— 99,
Robert Brown,	Cherokee Freedmen R—100,
Allie Chambers,	Cherokee Freedmen R—102,
Isam Jones,	Cherokee Freedmen R—104,
Alice Gunter,	Cherokee Freedmen R—105,
Katie Adair,	Cherokee Freedmen R—106,
Carrie Martin,	Cherokee Freedmen R—107,

Benjamin Clark,	Cherokee Freedmen R—108,
Emily Looney,	Cherokee Freedmen R—110,
John Groves,	Cherokee Freedmen R—112,
Matilda McNair,	Cherokee Freedmen R—117,
Bettie Vann,	Cherokee Freedmen R—121,
Nelson Lett,	Cherokee Freedmen R—125,
Fannie Rogers,	Cherokee Freedmen R—129,
William Washington,	Cherokee Freedmen R—131,
Squire Warren Owens,	Cherokee Freedmen R—143,
Fannie Goldsby,	Cherokee Freedmen R—144,
Susan Daniels,	Cherokee Freedmen R—146,
Anderson Tuck,	Cherokee Freedmen R—148,
David Lane,	Cherokee Freedmen R—156,
Felix McClain,	Cherokee Freedmen R—165,
Henderson Jones,	Cherokee Freedmen R—173,
Bella Vann,	Cherokee Freedmen R—181,
Levi Stroud,	Cherokee Freedmen R—196,
John Sumpter,	Cherokee Freedmen R—311,
Mariah Thompson,	Cherokee Freedmen R—330,
Ellen Sheppard,	Cherokee Freedmen R—337,
Lula Melton,	Cherokee Freedmen R—347.

DECISION.

It appears from the record herein that applications for enrollment as Cherokee citizens by intermarriage, were made to this Commission by William Davis for himself; by Hannah Thomas for her husband, Henry Thomas; by Jim Vann for his wife, Ella Vann; by Sig Markham for his wife, Mary Markham; by Nathan Melton for his wife, Frances Melton; by Mary Dotson for her husband, John Dotson; by George W. Vann for his wife, Mary Jane Vann; by Thomas Lowe for himself; by Thomas Mayfield for his wife, Ella Mayfield; by James Rider for his wife, Sallie Rider; by Reuben Campbell for himself; by Van Jackson Luther for himself; by Tobe Midleton for his wife, Cassie Midleton; by Thomas Harlin for his wife, Mary Harlin; by John Fields for his wife, Nellie Fields; by John Kimbo for himself; by William N. Madden for himself; by Tobias Bean for his wife, Jane Bean; by Etta Thomas for her husband, Albert T. Thomas; by James Campbell for his wife, Mary Campbell; by Frank Daniels for his wife, Caroline Daniels; by Jim Alberty for his daughter-in-law, Melvina Alberty; by Sarah Morris for her husband, Dave Morris; by Jane Claggett for her husband, Alexander Claggett; by Payton Martin for his wife, Amanda Martin; by Charles Martin for his wife, Eliza Martin; by John E. Barnes for himself; by Joe Davis for his wife, Bell Davis; by Ellen Brown for her husband, Samuel Brown; by Mary Ann Watson for her husband, Howard F. Watson; by Jack McConnell for himself; by Maude Manley for herself; by George Reed, Sr., for himself; by Buck Ledman for himself; by Bell Thompson for herself; by Lewis Scott for himself; by Abe Scott for

himself; by Kender Lampton for himself; by Thomas E. Allen for himself; by Lewis Vanderford for himself; by Elizabeth Bowlin for her husband, John L. Bowlin; by John D. Davis for his wife, Katie Davis; by Charles Williams for himself; by John J. Rose for himself; by David Martin for his wife, Jane Martin; by Fred Peterson for his wife, Lena Peterson; by Mariah Johnson for her husband, Alex Johnson; by Joseph Vann for his wife, Martha Vann; by John Scott for himself; by Steve Looney for Nancy Ross; by Charles C. Smith for himself; by James Colbert for his wife, Susie Colbert; by Rosanna Skaggs for her husband, William Skaggs; by Susie Johnson for herself; by Alfred P. Hopkins for himself; by Charles Vann for his wife, Kizzie Vann; by Jake Looney for his wife, Freddie Looney; by Lucy Chouteau for herself; by Alice Durant for herself; by Alonzo Ward for his wife, Mahaley Ward; by Fred D. Thomas for himself; by Benjamin Beck for his wife, Bettie Beck; by Ellis Warren for himself; by William Henry Robinson for his wife, Millie Robinson; by Josh Webber for his wife, Mary Webber; by Otto Martin for his wife, Frances Martin; by Ed Riley for his wife, Mary Riley; by Emanuel Taylor for himself; by Henry Sykes for himself; by Larkin P. Powell for himself; by Stepney Dawn for himself; by Ellis Vann for his wife, Malinda Vann; by David Johnson for his wife, Frances Johnson; by Phillip Foster for his wife, Annie Foster; by Houston Rogers, Jr., for his wife, Mary H. Rogers; by George Washington Lane for himself; by Silas Hammer Brown for his wife, Jane Brown; by Samuel L. Young for himself; by Lizzie Buckner for her husband, John Buckner; by Sarah Cox for her husband, Willis Cox; by Susan Bowles for her husband, Leonard Bowles; by Henry Murrell for his wife, Malinda Murrell; by Charles Claggett for himself; by Samuel Irven for himself; by David Ross for his wife, Mary Ross; by George F. Nave for his wife, Maggie Nave; by Lewis Armstead Nave for his wife, Neoma Nave; by Perry Ross for his wife, Ella Ross; by Elizabeth Duncan for herself; by Perry Adams for his wife, Sadie Adams; by Thomas Archer for his wife, Georgeann Archer; by Nancy Claggett for her husband, John Claggett; by Sonny Smith for his wife, Hattie Smith; by Jack Jackson for himself; by John Sanders for his wife, Lula Sanders; by Mary Hazelrig for her husband, George Hazelrig; by George West for his wife, Lizzie West; by Maria French for herself; by Mary Johnson for herself; by Maggie Vann for herself; by William Hudson for himself; by Sarah Rogers for herself; by Abraham Ballard for himself; by King David for his wife, Laura David; by John Deckman for himself; by James B. Perry for himself; by Isaac Welch for himself; by Nancy Logan for her husband, Lawson Logan; by Maria Howell for her husband, George Howell; by Amanda Masir for her husband, Henry Masir; by Katie Adams for her husband, George Adams; by Willie Thomas for his wife, Annie Thomas; by Lewis McConnell for himself; by Josh Vann for his wife, Callie Vann; by Lou Peters for herself; by Robert Adair for his wife, Ida Adair; by Josie Brown for her husband, Robert Brown; by Mat Chambers for his wife, Allie Chambers; by Rachel Jones for her husband, Isom Jones; by Lewis Gunter for his wife, Alice Gunter; by Amos Adair for his wife, Katie Adair; by William H. Martin for his wife, Carrie Martin; by Benjamin Clark for himself; by Emily Looney for herself; by Mary Groves for her husband, John Groves; by Butler McNair for his wife, Matilda McNair; by Bettie Vann for herself; by Nelson Lett for himself; by Allen Rogers for his wife, Fannie Rogers; by William Washington for himself; by Squire Warren Owens for himself; by Fannie Goldsby for herself; by Charles Daniels for his wife, Susan Daniels; by Rachel Turk for her husband, Anderson Turk; by David Lane for himself; by Felix McClain for himself; by Henderson Jones for himself; by Isaac Vann for his wife, Belle Vann; by Maggie Stroud for her husband, Levi Stroud; by John Sumpter for himself; by Mariah Thompson for herself; by Ellen Sheppard for herself; and by Lula Melton for herself, claiming their right thereto by virtue of their marriage to Freedmen Cherokee citizens.

himself; by Kender Lampton for himself; by Thomas E. Allen for himself; by Lewis Vanderford for himself; by Elizabeth Bowlin for her husband, John L. Bowlin; by John D. Davis for his wife, Katie Davis; by Charles Williams for himself; by John J. Rose for himself; by David Martin for his wife, Jane Martin; by Fred Peterson for his wife, Lena Peterson; by Mariah Johnson for her husband, Alex Johnson; by Joseph Vann for his wife, Martha Vann; by John Scott for himself; by Steve Looney for Nancy Ross; by Charles C. Smith for himself; by James Colbert for his wife, Susie Colbert; by Rosanna Skaggs for her husband, William Skaggs; by Susie Johnson for herself; by Alfred P. Hopkins for himself; by Charles Vann for his wife, Kizzie Vann; by Jake Looney for his wife, Freddie Looney; by Lucy Chouteau for herself; by Alice Durant for herself; by Alonzo Ward for his wife, Mahaley Ward; by Fred D. Thomas for himself; by Benjamin Beck for his wife, Bettie Beck; by Ellis Warren for himself; by William Henry Robinson for his wife, Millie Robinson; by Josh Webber for his wife, Mary Webber; by Otto Martin for his wife, Frances Martin; by Ed Riley for his wife, Mary Riley; by Emanuel Taylor for himself; by Henry Sykes for himself; by Larkin P. Powell for himself; by Stepney Dawn for himself; by Ellis Vann for his wife, Malinda Vann; by David Johnson for his wife, Frances Johnson; by Phillip Foster for his wife, Annie Foster; by Houston Rogers, Jr., for his wife, Mary H. Rogers; by George Washington Lane for himself; by Silas Hammer Brown for his wife, Jane Brown; by Samuel L. Young for himself; by Lizzie Buckner for her husband, John Buckner; by Sarah Cox for her husband, Willis Cox; by Susan Bowles for her husband, Leonard Bowles; by Henry Murrell for his wife, Malinda Murrell; by Charles Claggett for himself; by Samuel Irven for himself; by David Ross for his wife, Mary Ross; by George F. Nave for his wife, Maggie Nave; by Lewis Armstead Nave for his wife, Neoma Nave; by Perry Ross for his wife, Ella Ross; by Elizabeth Duncan for herself; by Perry Adams for his wife, Sadie Adams; by Thomas Archer for his wife, Georgeann Archer; by Nancy Claggett for her husband, John Claggett; by Sonny Smith for his wife, Hattie Smith; by Jack Jackson for himself; by John Sanders for his wife, Lula Sanders; by Mary Hazelrig for her husband, George Hazelrig; by George West for his wife, Lizzie West; by Maria French for herself; by Mary Johnson for herself; by Maggie Vann for herself; by William Hudson for himself; by Sarah Rogers for herself; by Abraham Ballard for himself; by King David for his wife, Laura David; by John Deckman for himself; by James B. Perry for himself; by Isaac Welch for himself; by Nancy Logan for her husband, Lawson Logan; by Maria Howell for her husband, George Howell; by Amanda Masir for her husband, Henry Masir; by Katie Adams for her husband, George Adams; by Willie Thomas for his wife, Annie Thomas; by Lewis McConnell for himself; by Josh Vann for his wife, Callie Vann; by Lou Peters for herself; by Robert Adair for his wife, Ida Adair; by Josie Brown for her husband, Robert Brown; by Mat Chambers for his wife, Allie Chambers; by Rachel Jones for her husband, Isom Jones; by Lewis Gunter for his wife, Alice Gunter; by Amos Adair for his wife, Katie Adair; by William H. Martin for his wife, Carrie Martin; by Benjamin Clark for himself; by Emily Looney for herself; by Mary Groves for her husband, John Groves; by Butler McNair for his wife, Matilda McNair; by Bettie Vann for herself; by Nelson Lett for himself; by Allen Rogers for his wife, Fannie Rogers; by William Washington for himself; by Squire Warren Owens for himself; by Fannie Goldsby for herself; by Charles Daniels for his wife, Susan Daniels; by Rachel Turk for her husband, Anderson Turk; by David Lane for himself; by Felix McClain for himself; by Henderson Jones for himself; by Isaac Vann for his wife, Belle Vann; by Maggie Stroud for her husband, Levi Stroud; by John Sumpter for himself; by Mariah Thompson for herself; by Ellen Sheppard for herself; and by Lula Melton for herself, claiming their right thereto by virtue of their marriage to Freedmen Cherokee citizens.

The record further shows that none of the applicants herein make any claim to enrollment as citizens of the Cherokee Nation other than as set forth above.

It further appears from the record herein that at the time applications were made for the enrollment of the above named applicants, application was also made for the enrollment of other applicants as Cherokee Freedmen, but said applications being differently classified are not included in this decision.

It does not appear that any of the applicants herein are identified upon the 1880 Authenticated Cherokee Roll, nor does it appear that any of said applicants has ever been admitted to Cherokee citizenship by a duly constituted court or committee of the Cherokee Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321).

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Lemuel Welcome, (I. T. D. 5848-1904, 11,776-1904), the applications made for the enrollment of William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Midleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Melinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington,

Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by intermarriage, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[SIGNED] TAMS BIXBY,
Chairman.

[SIGNED] T. B. NEEDLES,
Commissioner.

[SIGNED] C. R. BRECKINRIDGE,
Commissioner.

MUSKOGEE, INDIAN TERRITORY, JANUARY 19, 1905.

COPY.

Cherokee Freedman
D-206 et al.

Muskogee, Indian Territory, January 24, 1903.

Edgar Smith,

Attorney for Jane Bean et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1903, rejecting, among others, the applications for the enrollment of Jane Bean, Albert T. Thomas, Melvina Alberty, Alexander Claggett, Amanda Martin, Maud Manley, Katie Davis, Charles Williams, John J. Rose, Alex Johnson, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Fizzie Vann, Freddie Looney, Lucy Chouteau, Mahalay Ward, Millie Robinson, Frances Martin, Mary Riley, Samuel Irven, Sadie Adams, Georgeann Archer, John Claggett, Mattie Smith, Jack Jackson, Ida Adair, Robert Brown, Isaac Jones, Alice Gunter, Katie Adair, Susan Daniels, and Levi Stroud as Cherokee citizens by intermarriage.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Encl. 1-152.
Register.

COPY.

Cherokee Freedmen

R-105.

Muskogee, Indian Territory, January 24, 1905.

Alice Gunter,

Coffeyville, Kansas.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage. A copy of the Commission's decision has this day been forwarded your attorney, Edgar Smith, Vinita, Indian Territory.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED). Tams Bixby.

Chairman.

Incl. S-87,

Register.

COPY.

Cherokee Freedman
D 14 et al.

Muskogee, Indian Territory, January 24, 1905.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted record of proceedings had in the matter of the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Maddux, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John M. Barnes, Bell Davis, Samuel Brown, Howard P. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Frank Lambert, Bell Thompson, Lewis Scott, Abe Scott, Xander Langston, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Ross, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles G. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Minnie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Tahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Nellie Robinson, Mary Webber,

Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary E. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Mack, Emma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Kazalrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Jackman, James B. Perry, Isaac Welch, Lawson Hagan, George Hamill, Henry Mazir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Ison Jones, Alice Carter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Lacey, John Groves, Matilda McFair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Golliday, Susan Daniels, Andersen Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Marion Thompson, Lillian Sheppard and Lula Melton, as Cherokee citizens by intermarriage, including the Commission's decision dated January 19, 1906, rejecting said applications.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Inml. K-B.
Through the
Commissioner of Indian Affairs.

COPY.

Cherokee Freedmen
3-14 et al.

Muskogee, Indian Territory, January 24, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Betson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Martin, Nellie Fields, John Kimbo, William S. Hadden, Jane Dean, Albert P. Thomas, Mary Campbell, Caroline Daniels, Edwina Alberty, Dave Morris, Alexander Glazgett, Amanda Martin, Ellen Martin, John H. Barnes, Bell Davis, Samuel Brown, Howard P. Watson, Jack McDonald, Hands Manley, George Reed, Sr., Bank Ladson, Nail Thompson, Lewis Scott, Abe Scott, Theodor Langston, Thomas H. Allen, Lewis Vanderford, John I. Berlin, Katie Davis, Charles Williams, John J. Ross, Jane Martin, Lena Peterson, Alex Driggers, Martha Vann, John Scott, Nancy Ross, Charles G. Smith, Susie Wolbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Fletie Vann, Freddie Lackey, Lucy

Cheuteau, Alice Durrant, Wahaley Ward, Fred D. Thomas, Bettie [illegible], Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stephney [illegible], Malinda Venn, Frances Johnson, Annie Foster, Mary E. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Nona Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hamilton, Lizzie Wash, Marie French, Mary Johnson, Maggie Venn, William Hughes, Sarah Rogers, Abraham Ballard, Laura David, John Jackson, James B. Perry, Isaac Welch, Lawson Logan, George Bissell, Henry Weir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lee Peters, Ida Weir, Robert Brown, Allie Chambers, Iowa Jones, Alice Slater, Katie Weir, Carrie Martin, Benjamin Clark, Sally Lowry, John Spears, Matilda Spivey, Bettie Venn, Malcom Lee, Fannie Rogers, William Washington, Eunice Vernon Venn, Fannie Selsby, Susan Daniels, Anderson York, David Lane, Julia Hallum, Henderson Jones, Wells Venn, Levi Stroud, John Sawyer, Sarah Thompson, Miles Sheppard and Lula Hallum, as Cherokee citizens by intermarriage.

The foregoing, together with the record of proceedings had in the cause, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the

Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED). James Bixby.
Chairman.

Incl. K-9.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

Refer in reply
to the following:
Land.
7908-1905.

WASHINGTON, March 20, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 24, 1905, transmitting the record of the application for enrollment as Cherokee citizens by intermarriage to Cherokee freedmen by William Davis, Henry Thomas, Lila Vann, Mary Markham, Frances Melton, John Botson, Mary Jane Vann, Thomas Lowe, Lila Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Marlin, Sallie Fields, John Kimbo, William S. Madden, Jane Dean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John H. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Mamie Manley, George Reed, Sr., Dock Ledson, Bell Thompson, Lewis Scott, Ike Scott, Kinder Langston, Thomas H. Allen, Lewis Vanderford, John L. Boylin, Katie Davis, Charles Williams, John J. Hays, Jane Martin, Lewis Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Reed, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Christian,

Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dunn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Hare, Nemus Hare, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Mattie Smith, Jack Jackson, Lula Sanders, George Haselrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Nasir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Nasir, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Nasir, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lott, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Steph Daniels, Anderson Tuck, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Strong, John Stumpter, Mariah Thompson, Ellen Sheppard, and Lula Melton.

January 19, 1906, the Commission decided adversely to all the applicants.

The record shows that none of the applicants makes claim to enrollment as citizens of the Cherokee Nation, except by intermarriage with a Cherokee Freedman; that none has ever been enrolled or admitted to citizenship by any tribal authority of the Cherokee Nation or by any United States tribunal and that none is identified

on the 1880 authenticated Cherokee roll.

In view of the record and of the ruling of the Department of November 12, 1904 (I. T. D. 5848-1904) in the Lemuel Welcome case, the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

A. F. Lawshee,

Acting Commissioner.

W.M.M.

(C O P Y)

D. C. 22677-1905
I.T.D. 2904-1905

W G P
W H K

LRS

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

April 17, 1905.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

January 24, 1905, you transmitted the record in the matter of the applications for the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation, including your decision of January 19, 1905, rejecting said applications, viz:

William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Wm Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Beam , Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Mina Martin, John H. Barnes, Ball Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Lehman, Bell Thompson, Lewis Hoett, Abe Scott, Xander Langton, Thomas K. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann,

John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kissie Vann Freddie Looney, Lucy Choutean, Alice Durant, Mahmley Ward, Fred B. Thomas, Bettie Beck, Willis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley , Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary M. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Neoma Nave, Ella Rose, Elizabeth Duncan Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Haselrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers , Abraham Ballard, Laura David, John Deckman, James B. Parry, Isaac Welch, Lawson Logan, George Newell, Henry Nasir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann , Lou Peters, Ida Adair, Robert Brown, Allie Chambers Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Graves, Matilda McNair, Betty Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Dunield, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann , Levi Stroud, John Sumpter, Mariah Thompson, Miles Sheppard and Lula Walton.

Reporting in the matter March 21, 1905, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) THOS. RYAN
Acting Secretary.

1 inclosure.

COPY.

Cherokee Freedmen

R-105.

Muskogee, Indian Territory, April 28, 1905.

Alice Gunter,

Coffeyville, Kansas.

Dear Madam:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED). Tams Bixby
Chairman.

COPY.

Cherokee Freedmen

R-105.

Muskogee, Indian Territory, April 28, 1905.

Edgar Smith,

Attorney for Alice Gunter,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting, among others, the application for the enrollment of Alice Gunter as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

COPY.

Cherokee Freedmen

D-14 , et al.

Muskogee, Indian Territory, April 28, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

COPY.

Cherokee Freedmen
D-14, et al.

Muskogee, Indian Territory, April 28, 1906.

Commissioner in Charge,
Cherokee Land Office,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1906, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1906.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

CHEROKEE FREEDMAN. 105

IN THE MATTER OF THE APPLICATION OF

Alice Gunter

FOR ENROLLMENT AS

CHEROKEE FREEDMEN

A. Original Testimony Dawes-01

B. Miscellaneous application " "

C. Marriage certif and License.

See to Cherokee Freedmen Jacket

No D 469

Cher. Fr. R - 106

Cher. Fr. R - 106

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
CHELSEA, I. T., JUNE 1st, 1901.

In the matter of the application of Amos Adair for the enrollment of himself, wife and five children as Cherokee Freedmen; said Adair being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name? A Amos Adair
Q How old are you? A 66
Q What is your post office? A Welch
Q In what district do you live? A I live in the Territory, up in above Bluejacket
Q Do you live in Flint? A No sir, I don't know the name of the district
Q Do you live in the Cherokee Nation? A Yes sir
Q Do you think it is Delaware District? A I guess it is
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir
Q Do you want to apply for the enrollment of anybody besides yourself? A Yes sir, I have got five children
Q Have you a wife? A Yes sir
Q Don't you want to apply for her? A No, she is a state woman
Q She may have rights in spite of that? A No, I never got any certificate.
Q Are these children all under 21 years of age? A Yes sir
Q Then you apply for yourself, your wife and five children? A Yes sir
Q How long have you lived in the Cherokee Nation? A Eh, I was raised in here
Q Were you born here? A Yes sir, never was out of here at all, I went into the army
Q Were you out a while in the army? A Yes sir, three years and seven months
Q Have you been here ever since that time? A Yes sir; once in a while I would go out and come back again
Q Just go out on a short visit? A Yes sir
Q Were you a slave in the Cherokee Nation? at the time the war broke out? A Yes sir
Q To whom did you belong? A I belonged to Ned Adair, I belonged to his father and he got killed and I was turned over to Ned
Q Was he a recognized citizen of the Cherokee Nation? A I guess he is
Q Give me the name of your father? A My father is a man I don't know
Q Did you ever know him? A No sir
Q Give me the name ofyour mother? A My mother was named Beckie
Q Beckie what? A Beckie Cooper then
Q Is your mother dead? A Yes sir
Q How long has she been dead? A Oh, I don't know, she run south when I was a little bitty boy and was sold
Q Give me the name of your wife? A Katie
Q How old is your wife? A She is about 40 years old, or 45
Q She is a state woman, isn't she? A Yes sir
Q When were you and she married? A Well, it has been about 30 or 40 years ago
Q Were you ever married except to this wife? A No sir
Q Never married before you married her? A No sir, wasn't married
Q Did you ever live with any other woman as husband and wife? A Oh, yes
Q Did you have children? A Yes sir
Q Who was the first woman you lived with? A I lived with them boys' mother that was here on the roll
Q Did you only live with one woman before you lived with this woman?
A Yes sir
Q Give me the name of the first woman you lived with? A Sallie Lasley

Q When did you and Susie Lasley take up together? A Away before de war
Q Is Susie Lesley dead? A Yes sir
Q When did she die? A She died since the war
Q Soon after the war? A Yes sir
Q Now, this wife, Katie, that you live with, did you marry her during the war? A I married her since the war
Q How long after the war? A Oh, it has been about two years I guess after the war
Q Then you haven't been married to her over 25 or 26 years?
A Ten years just
Q You told me you had been married to her 30 or 40 years (No response
Q Was your wife, Susie? dead when you married this wife? A Yes sir, she died directly after the war, brought her to Goose Neck and died; you see we was separated and they run her south in the time of the war you know
Q She was dead when you married Katie? A Yes, she was dead
Q Was your wife, Katie, ever married before she married you?
A No sir
Q Have you a certificate of your marriage to your wife, Katie?
A What?
Q Have you any writing showing that you married your wife Katie?
A No sir
Q Have you any neighbors here that know that you have been living together as husband and wife? A Oh, yes, plenty of them

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MARIAH ROSS, being sworn and examined by Commissioner C.R. Breckinridge, testified as follows:

Q Give me your name? A Mariah Ross
Q How old are you? A 60 years old
Q What is your post office? A Coffeyville
Q Do you know this man here, this applicant? A Yes sir
Q Do you know his wife? A His present wife
Q Yes, are you acquainted with her? A No sir.

LUSTER FOREMAN, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give your name? A Luster Foreman
Q How old are you? A About 58 or 60
Q What is your post office? A Vinita
Q How long have you lived in the Cherokee Nation? A Always
Q Do you know this applicant here, Amos Adair? A I slightly knows him
Q How long have you slightly known him? A About eight or none years
Q Do you know his wife? A I seen a woman that said was his wife
Q What was her name? A Katie
Q Did you know her before he married her? A Well, no sir
Q How long have you known him to be living with a woman named Katie as his wife? A Ever since I got acquainted with him
Q About eight or nine years ago? A Yes sir
Q That is all you know about it is it? A Yes sir

AMOS ADAIR, the applicant, re-called:

Q Give me the names now of your children? These five you want to apply for? A His right name is Thomas Garfield.
Q How old is that child? A About 19
Q The next child? A Remus, 18 years old, I guess
Q Now, the next child? A Louie, about 16
Q What is the next one? A Ollie, 12 years old
Q Now, the next child? A Lillian, seven years old past
Q Now, these five children are all living at this time are they?
A Yes sir

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and names af applicant's not found thereon

The 1896 census roll of Freedmen of the Cherokee Nation examined and names of applicants not found thereon

The Kern-Clifton of Freedmen of the Cherokee Nation examined and names of applicants not found thereon

Q Didn't you draw Strip money? A No sir
Q Didn't any of your children draw Cherokee strip money? A No sir
Q None of these five? A No sir
Q Are you on the Wallace roll? A No sir, I ain't on any
Q No roll? A No sir
Q Any of these five children on any roll? A No sir
Q Your wife, of course, isn't on any roll? A No sir

BY MR. MELLETTE, Attorney for applicants:

Q Amos, where did you go during the war? A Went to the war.
Q Did you go out of the Cherokee Nation? A When I went to the war?
Q Yes? A Yes sir
Q Where did you go to? A Well, if I undertake to tell you all the places I went
Q Tell me the last place you went to? A The last place I went to Leavenworth and was discharged
Q When were you discharged at Leavenworth? A '65
Q Did you return to the Cherokee Nation after that? A Yes sir
Q When? A I got back in '66, I started in the winter and then I landed here in the spring of '66
Q You landed here in the spring of '66? A Yes sir
Q What place in the Cherokee Nation? A Right on the Verdigris there
Q Who came with you? A I come myself
Q Anybody else in the crowd? A None but me and my woman
Q What woman was that? A That was that woman that went away from here to-day
Q What was her name? A Caroline Chambers
Q Was Caroline Chambers your wife? A Yes I was living with her then, yes sir
Q And you and Caroline Chambers came back to-gether? A Yes sir, came right here
Q Caroline Chambers is on the 1880 roll, isn't she? A Of course
Q She came back to the Territory with you? A Yes sir, I brought her back here
Q Where have you lived since you and Caroline Chambers came back?
A I live right here on the Verdigris
Q Never been out of the Nation since that? A Oh, yes, I go out of the Nation frequently
Q Have you lived out of the Nation since that? A No sir, I go backwards and forwards but I come back home
Q Have you ever voted in the Cherokee Nation? A All, ever since I have been liberated. I voted for all these Chiefs, Mr. Bell there and all of them
Q Helped all of them? A Yes sir
Q Ever vote for Mr. Hastings? A Yes sir, voted for his brother
Q Have you ever owned a place on the public domain of the Cherokee Nation? A Well, I am living on a place, I don't call myself
Q until I get the title
Q Is it a place? A Claim
Q You are an occupant? A Yes sir
Q How long have you owned a place on the public domain of the Cherokee Nation? A The first one I owned was that one down here (Indicating), and then I moved from there to Vinita and stayed in town and then I went out east on Snow creek and took a claim there, and I am living on it now; not on Snow Creek, there Timbered Hill

Q Did you ever rent any land out to non-citizens? A No
Q How large a place have you on the public domain now? A Small place, about 15 or 16 acres
Q You have two children, Ben Adair, is it besides the ones you have listed here? A Robert and Will
Q Robert and Will Adair? A Yes sir
Q Who were they your children by? A By that woman, Caroline Chambers
Q Were those two boys on the roll of 1880? A Yes sir, on all rolls

Mr. Mellette: I would like, Mr. Commissioner, to have the record show that the woman he was living with in 1866 and the woman he says come with him is on the roll of 1880

The 1880 Authenticated roll of Freedmen of the Cherokee Nation examined and the name of Caroline Chambers found thereon found 85, #597, Cooweescoowee District.

Q That is the woman you came here with in 1866? A Yes sir
Q You were living with her as husband and wife at that time?
A Yes, I was living as husband and wife at that time

BY COM'R BRECKINRIDGE:

Q How long have you lived with that woman? A Oh, I have been living with that woman I guess ten years
Q No children of that marriage? A Had one, me and her lived together and had two
MR. MELLETTE: He means he and her had two. A Yes, and then I got so trifling she went off and quit me
BY COM'R BRECKINRIDGE: Where did you marry that woman? A I didn't marry her, took up with her
Q Where did you take up with her? A Leavenworth
Q Well, you never married Susie Dalsey there did you? A No sir
Q I asked you a while ago what woman you had ever lived with?
A And I told you
Q And you didn't tell me anything about this woman, Caroline, and had two children by you? A Didn't I tell you about her?
Q No. A I thought I did; well, I made a mistake then.
Q Now, did you ever get any divorce from this woman, Caroline?
A Wasn't married to her, you have got to be lawfully before you can get a divorce
Q You were in the army, were you? A Yes sir
Q Well, now, did you take up with this woman, Caroline, after you went out of the army? A Yes sir
Q Were either of these two children you had by this woman born in Kansas? A Yes sir
Q Were both of them born there? A Yes sir
Q How long had you been married to that woman before your first child was born? A Nine months
Q And how long after the birth of that child was it before your second child was born? A About a year I guess, about a year and a half, fetched right there and raised on Verdigris
Q Did you live as much as seven or eight years with that woman after you brought her back to the Cherokee Nation? A Yes, I guess I did
Q Or as much as five or six years? A Yes, I guess I did
Q You lived with her altogether about five or six years? A Yes sir, I lived down amongst the Osages five or six
Q In the Cherokee Nation? A Yes sir, up here in Montgomery County I lived there four or five years before I went away

Q Was this woman living with you then? A Yes sir
Q Were you in what is known as the Osage Nation? A Yes sir
Q Was that the first five or six years you got here? A Yes
Q Was that the first five years after you left Kansas? A Yes sir
Q Where was it, in the Osage Nation you lived that five years?
Q Right on the Verdigris just below the mouth of Snow Creek.
Q In what is the Osage Nation now? A No sir,; they treated it away and went back west
C That was in the Osage Nation then? A Yes sir
Q In what year was it you went into the Osage Nation, do you know?
A It was in the, in '66, along first of '66, or the middle
Well, how old was your second child by thos woman when you went into this Nation? She didn't have a second child then
Q You told me she had two children in Kansas? A No sir
Q You told me both of these children were born in Kansas? A She was living up on Pumpkin Creek then
Q You are not telling me the same thing both times? A There is a mistake then
Q You told me both of these children were born in Kansas? A I didn't understand it
Q Well where was your second child by this woman born? A Born on the Verdigris
Q On the Osage Nation? A Yes sir
Q Where was your first child born? A On Neosho
Q In Kansas? A Yes sir
Q How old was your second child when you lived in the Osage Nation? A WasnIt a year old
Q Little baby? A Yes sir, sucking baby

BY MR. MELLETTE:

Q When you came from Kansas with a woman, Caroline, where did you go to? A Come right there in Snow Creek and lived in Cowskin camp
Q What Nation was that in? A Well it was in the Osage Nation; Osages lived right in there at the same time
Q What Nation is it now? A It is the Territory now
Q How far from here is it? A It is about 18 or 19 miles
Q What Nation was it at that time? A Osagers; I tell you Osages lived there; it was in the Territory; it was in the Territory but the Osages lived there
Q What do you call it now? what Territory is it in now?
A Cherokee Territory
Q It is about how far from Chelsea, this place? A Ohm it is 30; this place is 30 miles I guess
Q You said 18 or 20? A Well up here (Indicating) at Snow Creek, I told you
Q Do you know whether the Osages owned the Nation or whether it was the Cherokee Nation were in there? A The Osages
Q Did they own it? A They was living on it, I guess they owned it, and it was all the kind of Indians I saw while I was there
Q How long did you live up there? A I lived up there ten years
Q Did the Osages still stay there? A Just in about seven or eight yards, the treaty did away and they moved
Q You still lived there? A Yes
Q Near what Nation did you live then? A It was in the Territory it was four or five mile strip that runs in between the Osages and Cherokee
Q What post office is there close to where you come with the woman, Caroline, in 1866? A Coffeyville

Q Which wat from Coffeyville was it? A It was this way, south
Q How far from Lenapah? A Don't know where Lenapah is.
Q Do you know whre Nowata is? A Yes
Q How far is it from Nowata? A It is eight or nine miles, still est of Nowata, I guess, I don't know
Q Which way is the Verdigris from Nowata? A The Verdigris is east of Nowata
Q Did you live on the Verdigris? A I lived on this side of it
Q When you lived east of Nowata? A Yes sir
Q What other colored people was down around there, or Indians at the time you came or after you came? A There was Murrill, Joe Ross, Esaw Parks, Tobe Looney
Q You came to the same country? A Yes sir

BY W. W. HASTINGS, Cherokee Representative:

Q Now, Amos, you testified that you came in the spring did you?
A Yes sir
Q You testified that that was the spring of '66? A Yes sir
Q Your name is not upon any roll? A No, you didn't put it on; you said it was on there
Q When did you marry this woman, Caroline? A I never married
Q Well, when did you first begin to live with her?
A Directly after I was mustered out of the service
Q That was after the war closed? A Yes sir
Q Well, about what time did you commence living with her? A It was in the fall we was mustered out, in '65.
Q You commenced living with her in '65? A Yes sir
Q You had one child born in Kansas? A It was on the Neosho
Q Born in Kansas? A I don't know whether it was Kansas or not
Q You stated that was it, a good big child? A No sir, little bitty boy
Q You got back here in the spring of the year? A Yes sir;
A Started from Leavenworth in the snow aiming to get here
Q You first come straight to snow creek? A Yes sir
Q William Martin was living up there near you at that time?
A What william?
Q He is a citizen? AWhat color?
Q He is a white Cherokee man, brother of Jim Martin. A No sir.
Q Wasn't living there? A Nosix sirre bob.
Q Did you ever know him? A No sir, don't know him yet
Q Never did know him? A No sir
Q Who did you get corn from that year? A What?
Q Who did you get corn to live on that year? A No body; I went off after the Delawares moved in there and I went off and made boards for them and what little bread I would carry in a paper home to my children
Q Did the Delawares come in there? A They come in there afterwards
Q The same year? A I don't know whether it was the same year or not
Q Didn't you testify five years ago that the Delawares were living in there? A Oh, listen!
Q Well, did you? A I didn't.
Q Do you know Aleck Connor? A I used to know him.
Q Was he living in there when you were there? A No sir, never moved in there until after.
Q How long afterwards? A Oh, good bit, and I went to split rails for Aleck, one hundred for one deer skin; talk about people getting some thing to eat.
Q I ask you if you didn't say that the Delawares were in there when you came? A No sir, if I did say that it was a mistake.
Q How far was Coffeyville when you first came there? A Wasn't any Coffeyville when I first come there.

Q When were you married to this last woman? A I went up north and married her.
Q Went up to Kansas? A Yes sir
Q What was your first child's name by that woman? A Laura, she is dead.
Q Then Laura was born in Kansas, wasn't she? A Yes sir
Q Where was Tommy born? A Tommy was borin the Cherokee NationQ
Q He is four years younger than Laura? A Oh, yes.
Q How long did you live up there in Kansas after you married? that last woman? A I didn't live up there any; how come me to go up there I heard this old woman was married; I went up there to get some bounty and when I come back here she was married; and I thinks to myself I can't get another woman too
Q Well, you married up there? A I married
Q How long did you live there? A I didn't live there any longer than I could get here
Q Two or three months? A About a month I guess
Q Is that the only time you have lived there? A Yes sir
Q You say that Laura was born up there? A She was with Laura when I went after her
Q You give her in as your child before, didn't you; didn't you give Laura in as your child before? A No sir
Q Didn't you apply to the Kern-Clifton Commission for Laura's enrollment and application in the distribution of the funds?
A No sir
Q You deny that? A I do, because her old man done that; I think if you have got it on there you will look and see a baby on there too
Q Well, you come to Snow Creek did you? A Yes sir
Q You located there? A Yes sir
Q This fellow that your wife afterwards married, Charlie Chambers, is on the 1880 roll himself, ain't he? A I guess so, I don't know what he is on
Q He did the enrolling for that woman on the 1880 roll, didn't he?
A I don't know
Q You never had her put on there? A I could not; I ain't on there myself
Q If she got on there he put her on himself, didn't he? A I expect
Q You went down to Tahlequah to prove up your rights? A Yes
Q They would not enroll you? A Well, they had the papers made out and I put them in, Tip Mayes knows and hewas to attend to it, and I guess he burned them up or something.
Q That court down there rejected you? A I don't know.
Q It never admitted you? A I don't know whether it did or not; I give him the papers and he said they have got your case there to investigation.
Q You never went to inquire? A No sir
Q You never found out in 1880 whether you had been admitted or not?
A No sir, to tell the truth I had put the dependance in him, thought he would do what a man got him to do.

BY MR. MELLETTE:

Q Did they ever call you as a witness down there? A No sir
Q Did you have witnesses there to show that you were a citizen?
A Yes sir
Q Did they testify? A Yes sir
Q Whom before? A Dannenberg's son, I think; I think he was clerk then
Q What kind of Clerk? A Well, Notary Public or whatever you call it; Dannenberg made out the papers, Tobe Lynch and Al Lynch went there

BY COM'R BRECKINRIDGE:

Q You say you never got a divorce from this woman, Caroline?
A No sir, didn't need to get a divorce
Q That is your opinion about it? A Yes sir, I maybe wrong
Q Was that woman Caroline, ever married before you took up with her? A Not that I know of
Q In what year were you mustered out? A '65
Q What Regiment were you in? A 79th U. S.
Q U. S. Colored? A Yes sir
Q What Company? A Company E
Q Were you mustered out at Leavenworth, Kansas? A Yes, that is we were discharged there

NELSON MURRELL, being duly sworn by Commissioner C. R. Breckinridge, testified as follows: EXAMINATION BY MR MELLETTE

Q How old are you? A Soon be 77 years old
Q Where do you live? A I live in the Cherokee Nation, Coowescoo-wee.
Q How long have you lived in the Cherokee Nation? A All my life
Q Do you know the applicant, Amos Adair? A Yes sir
Q How long have you known him? A I have known him ever since about 1843
Q Where did you first know him? A Up in Flint District
Q Cherokee Nation? A Cherokee Nation
Q Do you know who his master was, or Mistress? A His Mistress at that time was one Mrs. Ben Cooper
Q Do you know whether any Cherokee owned him or not? A From that to an Adair, transferred.
Q Were they Cherokees? A Yes sir
Q Do you know when he returned to the Cherokee Nation after the war? A I don't know when he returned I know when I saw him
Q When did you see him? A In February, '65
Q Where? A On the Verdigris river
Q February, '65? A Yes sir
Q On the Verdigris river? A Yes sir
Q Were you there at that time? A Yes sir
Q How did you happen to be there? A I was there trading with the Osages
Q What part of the Verdigris was he on? A About seven miles from Coffeyville
Q Which way from Coffeyville? A Right south on the west side of Snow creek
Q Was that your first trip to the Cherokee Nation after the war?
A Yes sir
Q When did you first come to the Cherokee Nation after the war?
A Come in February, '65
Q You saw him on that first trip? A Yes sir
Q What was he doing down there at that time? A When I found him he was down, living down there with a lady known now as Caroline Chambers, and besides he had a white girl there living in a wigwam and had them both there as his wife; has a white girl he had stole up in Kansas and living in a wigwam made out of Buffalo hides
Q And he had this woman, Caroline Chambers? A Yes sir
Q And a white girl? A Yes sir
Q This is the same man is it? A Same man
Q Where did you next see him after seeing him there in the spring of '65? A He stayed there a considerable while, and the white girl took sick and Dr. Frazier from Coffeyville, not Coffeyville, Parks, come down there and paid her a visit and he found out from her where her parents was and he wrote to her parents and shortly after that her parents come, her brother and her father and taken

the white girl home and after the white girl left he stayed there for about six months and then he followed her

Q Followed her where? A I don't know where he went to, then went out of my sight

Q And when did you see him next? A I saw him about a year after that back in the Nation

Q What year would that have been? A That would be about '67 maybe a little over a year before I saw him again; about 18 months if my memory serves me right

Q You don't know where he went? A No sir

Q Whom did he come back with? A I could not tell you that

Q I mean when you next saw him? A He was by himself at that time I saw him

Q Did you see anything of this woman, Caroline? A Caroline was living there on the river, there by me all the time he left her there

Q Caroline stayed there? A Yes sir

BY W. W. HASTINGS:

Q What was this Doctor's name? A Frazier

Q He lived at Parks? A Yes sir, living now at Coffeyville

Q Is he still living? A Still alive when I saw him my last, a few days ago

Q Practicing medicine yet? A Practicing Medicine, sort of a town Physician now

Q And that was in February, '65 A February, '65, when I saw this man

Q Well when was it that Doctor waited on the white girl?

Q That may have been in February, '66, he waited on her

Q Did you stay down there a year? A I had come back from Kansas that time when she taken sick

Q But you found him down there again? A Yes sir

Q Were you in the army? A No sir, not only a baby servant.

Q Do you know whether he was in the army or not? A Yes sir

Q Do you know whether he was mustered out? A No sir; I know when he was mustered out

Q Did he have any children when you saw him down there? A I don't think he did; no, he had no children.

Q Did this other woman? A Yes sir

Q Which one? A Caroline

Q Boy or girl? A Boy

Q What was its name? A Willie

Q How old was he when you saw him? A Suppose he was about; I don't know exactly, about, maybe a year old, maybe not so old

Q That was not Amos' boy; he didn't claim it as his child?

Q That was his child.

Q Amos' child? A Yes

Q And it was about a year old? A About a year old, I suppose , I would not be exact about his age.

Q Who was living near Amos at that time? A The Osages when I found him.

Q Who was down there with you at that time? A Joe Ross

Q Who else? A That is about all that was near him, and one Frank Nave

Q And he left there that time and you didn't see him for about eighteen months? A No sir

Q Where did he go to? A I could not tell you

Q Did he ever tell you? A No sir, I never asked him where he went

Q How long did you stay down there on that trip? A I stayed down there about a month.

Q I thought you said he stayed down there about six? A This man Amos?

Q Yes? A I went down there and came back and he was still there when I came back.
Q You testified before the Kern-Clifton Commission ~~that~~ didn't you?
A Yes sir
Q Did you ever claim then that you come back here in 1865?
A I don't know as I did
Q You never told anything about hunting and trading with the Osages in 1865, did you? A I don't think I did; I didn't testify in my own case I testified for others.
Q Did Amos have him a farm up there in '66? A No sir
Q No patch of any kind? A No sir
Q No horses? A No sir
Q Just living down there in that little old tent? A I didn't call it a tent I called it a wigwam
Q With that woman? A Yes sir, and a white girl
Q You don't know who he came back with the next time? A No sir
Q He never lived with this girl after that? A No sir
Q He never lived with Caroline ten or twelve years after the war?
A No sir
Q You testify now that Caroline remained there, she didn't go back after the war? A She remained right there
Q When did you return with your family? A I returned in '66.
Q What time? A In March
Q In March '66? A Yes sir
Q And then you remained here permanently from that time on? A My family did
Q Are you not on the 1880 roll? A No sir
Q You have always been a disputed citizen? A Yes sir
Q You went to Tahlequah to prove up your rights? A Yes sir
Q You told the Courts at that time when you got back did you?
A I think I did
Q And they refused to admit you? A Yes sir
Q That was four or five years after the war? 1871? A I think it was somewheres along in '70

COM'R BRECKINRIDGE: The applicant applies for the enrollment of himself, his wife and five children. The applicant claims to have been a slave in the Cherokee Nation at the beginning of the Civil War and to have lived in the Cherokee Nation all his life except during the war and a short period thereafter. He is not identified upon the roll of 1880 or upon that of 1896 or upon the Kern-Clifton roll or upon the Wallace roll. The evidence in this case is very conflicting and leaves no reason to believe that the applicant conformed to the conditions of the treaty of 1866. His own testimony is highly unfavorable to that conclusion and his own testimony is in many respects impeached by that of his own witness. He will now be listed as a Cherokee Freedman upon a rejected card. His wife is a state woman. No right is claimed for her of herself. It is shown with reasonable satisfaction that he was duly married to this woman, but it appears from the testimony that this is his third wife. He admitted only two marriages in his first examination or having lived as husband and wife with two women; the first woman with whom he ever lived seems to have died soon after the war, but it appears in the course of his testimony that he lived for some eight or ten years after the war with a woman known now as Caroline Chambers, that they lived together as husband and wife and that she had two children of that union. It appears, however, that this marriage relation was continued between the woman, Caroline, and the applicant for a considerable period after the death of his first wife, Susie Lesley. He never procured a divorce from this

woman, Caroline, and she is still living. It is therefore highly improbable that his marriage to his present wife, Katie, was in any sense a legal marriage. She will be listed as a Cherokee Freedman by intermarriage upon a rejected card. Five children named in the testimony are all said to be living. They are all children of the applicant's present wife. They are not upon any roll and are under the conditions stated they will be listed as Cherokee Freedmen on a rejected card.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. O. ROSSON.

Subscribed and sworn to before me this 5th day of June, 1901.

T. B. NEEDLES,
Commissioner.

Josie Davies, stenographer to the Commission to the Five Civilized Tribes, having been first duly sworn, states, that the above and foregoing is a true and correct copy of the original testimony in the matter of the application of Amos Adair, et al., as Cherokee Freedmen, taken at Chelsea, Indian Territory, on the 1st day of June, 1901, now on file with the Commission.

Josie Davies

Subscribed and sworn to before me this December 12, 1904.

Charles W. Grainger
Notary Public.

Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17200, filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Amos Adair, N B- 106;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicants be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) P. G. Reuter,
Notary Public.

(SEAL)

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell.

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., April 5, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application of Amos Adair for the enrollment of himself, wife and children as Cherokee freedmen.

It appears that on the 25th day of February, 1904, the applicant, his attorney and the Cherokee Nation were duly notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on April 5, 1904, and then and there to introduce further testimony touching the matters stated in said letter.

APPEARANCES:
Applicant appears in person.
Cherokee Nation by its attorney, W. W. Hastings.

AMOS ADAIR, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Amos Adair.
Q How old are you? A 70 years old.
Q What is your postoffice address? A Fort Gibson.
Q You are an applicant for enrollment as a Cherokee freedman?
A Yes, sir.
Q Were you the slave of a Cherokee citizen before the war? A Yes, sir, belonged to Ned Adair.
Q Were you taken out of the Cherokee Nation during the war? A Yes, sir.
Q When did you return to the Cherokee Nation after the war? A In the fall of '65.
Q Where did you come back to? A On the Verdigris, just below the mouth of Snow Creek.
Q Who did you come back with? A By myself and lived in a cowskin camp.
Q Nobody along but you? A That was all.
Q How long did you continue to live up there on Snow Creek? A 5 or 6 years.
Q Then where did you move to? A I went to Vinita.
Q How long did you live there? A 3 or 4 years.
Q What is your present wife's name? A Katy Adair.
Q Were you ever married before you married her? A No.
Q When did you marry her? A '96, '99, '97 along there some place.
Q How many years ago was it, a bout? A Been about 30, 31 or 32 years.
Q How old is your oldest child?by her? A 20.
Q How many children have you?and she got? A We have five living.
Q Have you ever lived outside of the Cherokee Nation or been out since you returned in '65? A Been outside lots of times.
Q Where did you go? A Chetopa, and first one place and then another, but not to live.
Q How long is the longest time you ever stayed out at any one time since you returned to the Cherokee Nation after the war? A Two or three months.
Q Never moved out? A No.
Q What is it that you think you stated when you testified before that wasn't correct? A I give my testimony before about being mustered out in '66. I was mistaken; it was '65.

The applicant introduces Certificate of Discharge from the United States Colored Infantry, Volunteers, 79th Regiment, Company E, signed by T. C. Ainsworth, Brigadier General, U. S. A., Chief Record and Pension Office, certifying that Amos Adair, private of Company E, 79th Regiment, United States Colored Volunteer Infantry, was enrolled on the 12 day of August, 1862 to serve three years and was discharged from the service of the United States on the first day of October, 1865.

This document is filed herewith and made a part of the record in this case.

(Objected to by the Cherokee Nation for the reason that all regularly enlisted soldiers were discharged in 1865, and that this discharge throws no light upon this applicant's entitlement to enrollment as a citizen of the Cherokee Nation).

Q Uncle, who took you out of the Cherokee Nation during the war?
A The Inguns. The Northern Injuns.
Q Where did you go? A Went to the North.
Q What part of the North, wh t state? A About Fort Scott.
Q What state is that in? A Why, its in Kansas.
Q How do you happen to know what time it was you returned to the Cherokee Nation? A Because I know when I was mustered out.
Q How long after you were mustered out until you come to the Cherokee Nation? A Was mustered out along in the fall and come right back the next winter after that fall; started back through the snow.

By Mr. Hastings:
Q You testified to this same thing before, didn't you? A Wasn't it '65?
Q You testified '65 didn't you? A Yes, sir.
Q You testified that you come back before didn't you? A Yes, sir.
Q You couldn't find a single witness to prove that by could you?
A No, I didn't have any.
Q You applied when the Commission was at Chelsea, didn't you, on June 5, 1901? A Yes, sir.
Q There were lots of colored people around Chelsea, then, wasn't there? A Yes, but they wouldn't witness.
Q You couldn't get a single one who claimed to come back up there on Snow Creek to testify for you, could you? A Didn't I get Murrell?
Q What was the date in '65 when you were mustered out? A I can't tell the---in October, I think.
Q You were discharged in October, '65? A Yes, sir.
Q And old man Nelson Murrell swears that he saw you up there in February, '65, he couldn't have told the truth could he? A I guess he did.
Q About ten months before you were discharged? A He swore wrong.
Q What year is this? A I don't know.
Q What year did Kern-Clifton make a roll that you got the big payment on? A I don't know.
Q What year did Wallace make a roll here? A I don't know.
Q You don't know a date in the world do you? A I don't know that.
Q Do you know what day of the week this is? A Yes.
Q What is it? A Tuesday.
Q What month is it? A April.
Q What year is it? A I aint got no date.
Q Do you pretend to tell the Commission that you came off down there and that you stayed for five or six years without seeing anybody?
A There was plenty of 'em there.
Q How long after you got there? A I lived in there about five or six years.

Q Before you saw anybody? A Here come Joe Ross.
Q Did he have his family with him? A Yes, sir; Esau Fox.
Q Did he have his family? A Yes.
Q Don't you know he didn't come until about '70? A He come after I was there.
Q How long? A The next winter, I think, after I was there.
Q I want you to be positive? A I want to be positive, but he and Jack Ross were the first two that come there and then here come Tobe Looney that winter.
Q He come in '72? A Yes, and then here comes Tom Ross.
Q Who did you get anything to eat from when you got there? A Delawares.
Q What Delawares?lived there when you got there? A Drowndingbear, or some such a name.
Q How far did you stay from him? A Four or five miles.
Q What other Delawares? Aleck Conner.
Q Did he have a house? A Yes.
Q Did you get corn from him? A Yes, sir, I split rails for him.
Q Did your wife get something from him? A No, sir, I got my meal and such stuff by splitting rails.
Q Any other Delawares? A None there that close.
Q You are certain Aleck Conner lived there? A I know he did.
Q You are certain that Drowningbear lived there and died there? A Yes, sir I made boards to cover his house. I split rails for ~~Jack~~ Aleck Conner for everything I got to eat.
Q That is how you got things to live on? A Yes, sir.
Q Anybody else living around there? A No, sir, not but two colored people living there.
Q Who were they? A Steve Little and Posey Gibson, right across Snow creek.
Q Rest Delawares? A Yes, sir.
Q Aleck Conner was one? A Yes, sir.
Q When you first come there? A Yes, sir.
Q You worked and made rails to get something to eat? A Yes, sir, to get something to live on.
Q Can you think of anybody else besides Dorwningbear and Aleck Conner? A Not of the Injuns.
Q You are certain they were there? A Yes, sir, I am certain they were there, because I made my living off of them.

Comes now the Cherokee Nation and respectfully refers to the Articles of Agreement with the Delaware Indians with particular reference to the date thereof, the eighth day of April 1867, as found on page 397 of the Compiled Laws of the Cherokee Nation, 1892.

o-o-o-o-o-o-o-o-o

H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

H M Vance

Subscribed and sworn to before me this the 6th day of April, 1904.

Charles D. Sawyer

Notary Public.

Cherokee Freedmen R-106.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Amos Adair et al., as Cherokee freedmen.

D E C I S I O N.

The record in this case shows that on June 1, 1901, Amos Adair appeared before the Commission at Chelsea, Indian Territory, and made application for the enrollment of himself and his minor children, Thomas G., Remus, Louis, Catie and Lillian Adair, as Cherokee freedmen. The application also included his wife, Katie Adair, as a Cherokee freedman by intermarriage, but her status as such is not passed upon at this time and she is not embraced in this decision. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on April 5, 1904.

The evidence shows that Amos Adair was the slave of a Cherokee citizen at the commencement of the rebellion; that he was taken out of the Cherokee Nation during said rebellion and did not return thereto within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire trustee, etc., vs The Cherokee Nation et al., for the return of freedmen to said nation. His wife, Katie Adair, claims only such rights as she may acquire through her marriage to her said husband. The other applicants herein were born since 1866 and can only possess such rights as were acquired by their said father.

The said Amos Adair is not identified on the Cherokee authenticated roll of 1880.

It is, therefore, the opinion of this Commission that the application for the enrollment of Amos Adair, Thomas G. Adair, Remus Adair, Louis Adair, Catie Adair and Lillian Adair as Cherokee

freedmen should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this JUL 23 1904

Cherokee Freedmen R 196.

[illegible] ADAIR,
[illegible] TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Amos Adair for enrollment of himself, [illegible] as Cherokee Freedmen.

Reply to Cherokee motion to reopen.

The record in this case shows that Amos Adair applied for the enrollment of himself and his family to the commission to the Five Civilized Tribes at Muskogee, I. T., on June 1, 1901, and at the same time Marion Ross [illegible] application for marriage, and in addition, introduced Walter Foreman who [illegible] witness.

The record further shows that from time to time he was notified to appear at Muskogee, I. T., and on April 1, 1904, [illegible] Muskogee, I. T., and made an additional statement in his own behalf. This was almost three years after his first application. The Commissioner to the Five Civilized Tribes is well aware, and [illegible] must be by report, that the commission to the Five Civilized Tribes during the spring and summer of 1901 sat at certain advertised points throughout the Cherokee Nation, convenient to freedmen applicants, where their applications were received and where additional witnesses were heard from time to time when desired to be introduced on behalf of said applications; it is also known that freedmen came to these enrollment duties in great crowds and camped there throughout the entire time and followed the commission from place to place; the records will further show that after this application was made in June by Amos Adair at Chelsea, I. T., the commission went to Vinita, I. T., and arrived in session some two or three weeks, and that both Chelsea and Vinita are near the Verdigris country from which place all freedmen applicants came to Chelsea and Vinita to enroll and, therefore, these points were convenient points to the applicant to have introduced testimony if he had so desired. [illegible] to the subpoenaing to his application if he was notified to introduce such other testimony as he desired and he did not see fit to introduce any other except his own statement on April 5, 1904, almost three years after his original application. Certainly plenty of time and opportunity was given this applicant to have secured testimony and introduced the same before the Commission if he had a meritorious case. The commission did not act upon his case until July 22, 1904, more than three years after his original application, and the applicant's present postoffice address is Fort Gibson, I. T., only eight miles east of Muskogee, I. T., the headquarters of the Commission, during all the time since the applicant made his original application and there was at any time prior to this injection an opportunity was open to him to have introduced testimony in support of his application.

There is no reason set forth in the motion to reopen or the affidavit of the applicant, accompanying the same, why the witnesses could not have been produced before the decision of the commission and within the three years after the original application was made, and we, therefore, contend that the motion would be denied in any court because no diligence whatever has been shown.

Again, the case is absolutely without merit. The judgment of Commissioner Brockinridge in the field shows that he was dissatisfied with the applicant because of the conflicting statements made by him and his principal witness, Nelson Worcell, and here we might state that the records

show that Nelson Murrell was rejected by the Commission and his rejection has been approved by the Secretary of the Interior as not having returned to the Cherokee Nation prior to February 11, 1867. Therefore, the very fact that he introduced him shows that his case is fraudulent and without merit. He introduced Luster Foreman, but Luster's testimony is only to the effect that he had only known him a short time since the war and was of no benefit to the applicant.

Let us examine critically his own statement. As said by Commissioner Breckinridge in the field, it is highly improbable that he should have come to a wild country and should have lived some four or five years in a tent without being accompanied by any white people when he had nothing to live upon. But he is contradicted even by his own statements. He swears that he was married prior to his coming down to the Cherokee Nation after he was discharged from the Army, and his discharge shows that it was on the first day of October, 1865, and he also swears that he did not begin living with Caroline until after he had left the Army, and that his first child was born up in Kansas, and he corroborates himself as to when his second child was born; at one time he says it was born in Kansas and that he brought it with him, and the next time he says that there was only one child born. But in any event if he left the Army in October of 1865 some little time must have intervened before he began living with Caroline and no child could have been born to them so that he could have brought them with him in the spring of 1866 to the Cherokee Nation.

His testimony on April 5, 1904, contradicts his testimony of June 1, 1901, and contradicts the statement made by him to the Commissioner. In answer to questions propounded to him by the commission itself on April 5, 1904, he stated that he returned to Chouteau Springs after the war, in the fall of 1865, and he stated that he went back to the Verdigris River below Snow Creek, and he testified as follows:

"Q. Who did you come back with? A. By myself and lived in a cookin

Q. Nobody along but you? A. That was all.

Q. How long did you stay to live on Grand? A. Five or six years.

Q. What place did you move to? A. I went to Vinita."

In his testimony before, on June 1, 1901, before the commission at Chelsea, he says that he brought a wife with him and a child or two children, and his witness Nelson Murrell swore that he had a woman with him. How can readily be seen why the commissioner in Charge, Major Breckinridge was disgusted with these conflicting statements. It will be noted that he said that he lived on Verdigris some five or six years and then went to Vinita, and attention is invited to the testimony of Luster Foreman, his own witness before the commission June 1, 1901, and he was a resident of Vinita, and he had only known the applicant eight or nine years, which contradicts the statement of the applicant himself.

The applicant is further contradicted by his own statement given on April 5, 1904, to the effect that when he first came to the Cherokee Nation he went to work for certain Delawares who lived there when he reached the Cherokee Nation. He was asked:

"Q. Who did you get anything to eat from when you got there?

A. Delawares.

Q. What Delawares lived there when you got there? A. Frowningbear or some such a name.

Q. How far did you stay from him? A. Four or five miles.

Q. What other Delawares? A. Alack Conner.

Q. Did he have a house? A. Yes.

Q. Did you get corn from him? A. Yes, sir, I split rails for him."

He went on to testify positively about making rails and boards for Delawares, working for them and getting something to eat from them.

Now, it is a matter of public record and it was introduced in the case, that the Delawares did not make an agreement with the Cherokees

until the 8th day of April, 1867, and theydid not remove to the Cherokee Nation until 1868, and if he got corn from Aleck Conner it must have been at least more than a year after 1866 because he would have had to live there long enough to cultivate a crop.

He is further contradicted by the fact that his name is not upon the Wallace roll made in 1869, and certainly if he were entitled he could have gotten his name upon that roll, particularly in view of the fact that he was not opposed by the Cherokee Nation and no testimony was introduced against him; he was also rejected by the Kern-Clifton Commission in 1896, and if his statement in his motion be true isn't it reasonable to suppose that when a large payment or more than $200 was going to be made to those enrolled that he would have gotten any number of his neighbors to appear befpre the commission and testify in his behalf at that time? His name is not upon the 1880 roll, nor upon the roll of 1896.

Attached hereto is a certificate from the Commissioner to the Five Civilized Tribes to the effect that Amos Adair of Coowescoowee District applied to the Supreme Court of the Cherokee Nation for citizenship as a Cherokee freedman in 1871, and that he was rejected on June 10, of that year. A copy of this certificate is attached to our motion served upon the attorneys for the applicant. On March 5, 1906, the Department, considering a motion for review in the case of John and Cynthia Morgan (I.T.D. 7235, 1896, 10716-1906) said:

> "The record shows, a fact not mentioned in said decision, that [illegible] Supreme Court of the Cherokee Nation, June 9, 1871, denied John and Cynthia Morgan rights in the Nation.
>
> In a similar case, that of Henry Still, in which such court denied the applicant to all rights of Cherokee citizenship accorded under the treaty of 1866, the Assistant Attorney General in an opinion of October 5, 1905, approved, stated that the adjudication of such court is the same effect as the adjudication of 'similar cases by the United States Court under the act of June 10, 1896;' that when relied on to impair upon the facts, such adjudication is to be considered as evidence of great cogency to be followed unless it appears that fraud was practiced upon the court, or that the evidence then before the court and that now available, show that the conclusion of the court upon the case, for fraud or lack of evidence then available, was clearly wrong; that 'The Commission should regard [illegible] as a court reviewing the case on a petition for a new trial, that is exercising an original jurisdiction, and ought not to sustain the finding made after the lapse of time and loss of available evidence by the lapse of more than thirty years.'
>
> No allegation is made in this case that the determination of the court in 1871 was vitiated by fraud, and no attempt has been made to show that it was made on account of 'lack of evidence then available.'"

This is an exceptionally strong point and one that we believe correctly states the law. Amos Adair applied to the same court to which John Morgan applied in 1871 and was denied four days thereafter, and nothing in this motion attempts to show that fraud was practiced against the applicant before the Supreme court of the Cherokee Nation, nor is it shown that an erroneous judgment was made on account of "lack of evidence then available."

The affidavits of the witnesses attached to the motion are of no value in that they go into no detail, and the affidavit of the applicant himself does not show that it was not possible for him to have gotten these witnesses before the commission long prior to the decision of the Commission adverse to him in July, 1904.

For the reasons hereinabove assigned: First, that the motion and the affidavits accompanying it do not show any diligence on behalf of the applicant; Second, the record in the case shows that it is without merit

Third, the record in possession of the Commission, a certificate of which is attached hereto, shows that the applicant was rejected on June 12, 1871, and no fraud is alleged in the procurement of said judgment; and Fourth, the name of the applicant appears upon no roll made of the citizens of the Cherokee Nation, and for these reasons we again assert that the case is without merit and the motion to reopen should be denied.

Respectfully submitted,

_____

_____

_____

Attorneys for the Cherokee Nation.

Department of the Interior.

Commission to the Five Civilized Tribes.

In the matter of the application for enrollment of William Davis, et al., as citizens by intermarriage of the Cherokee Nation, consolidating the applications of:

William Davis,	Cherokee Freedmen D— 14,
Henry Thomas,	Cherokee Freedmen D— 58,
Ella Vann,	Cherokee Freedmen D— 70,
Mary Markham,	Cherokee Freedmen D— 100,
Frances Melton,	Cherokee Freedmen D— 110,
John Dotson,	Cherokee Freedmen D— 111,
Mary Jane Vann,	Cherokee Freedmen D— 118,
Thomas Lowe,	Cherokee Freedmen D— 119,
Ella Mayfield,	Cherokee Freedmen D— 124,
Sallie Rider,	Cherokee Freedmen D— 147,
Reuben Campbell,	Cherokee Freedmen D— 167,
Van Jackson Luther,	Cherokee Freedmen D— 174,
Cassie Midleton,	Cherokee Freedmen D— 176,
Mary Harlin,	Cherokee Freedmen D— 179,
Nellie Fields,	Cherokee Freedmen D— 186,
John Kimbo,	Cherokee Freedmen D— 188,
William S. Madden,	Cherokee Freedmen D— 189,
Jake Bean,	Cherokee Freedmen D— 200,
Albert T. Thomas,	Cherokee Freedmen D— 210,
Mary Campbell,	Cherokee Freedmen D— 219,
Caroline Daniels,	Cherokee Freedmen D— 232,
Melvina Alberty,	Cherokee Freedmen D— 237,
Dave Morris,	Cherokee Freedmen D— 238,
Alexander Glasgow,	Cherokee Freedmen D— 303,
Amanda Martin,	Cherokee Freedmen D— 304,
Eliza Martin,	Cherokee Freedmen D— 317,
John E. Barnes,	Cherokee Freedmen D— 318,
Bell Davis,	Cherokee Freedmen D— 333,
Samuel Brown,	Cherokee Freedmen D— 339,
Howard F. Watson,	Cherokee Freedmen D— 340,
Jack McCannell,	Cherokee Freedmen D— 210,
Maude Manley,	Cherokee Freedmen D— 238,

George Reed, Sr.,	Cherokee Freedmen D—382,
Buck Ledman,	Cherokee Freedmen D—406,
Bell Thompson,	Cherokee Freedmen D—411,
Lewis Scott,	Cherokee Freedmen D—420,
Abe Scott,	Cherokee Freedmen D—421,
Kinder Langston,	Cherokee Freedmen D—425,
Thomas E. Allen,	Cherokee Freedmen D—426,
Lewis Vanderford,	Cherokee Freedmen D—426,
John L. Bowlin,	Cherokee Freedmen D—444,
Katie Davis,	Cherokee Freedmen D—455,
Charles Williams,	Cherokee Freedmen D—473,
John J. Rose,	Cherokee Freedmen D—474,
Jane Martin,	Cherokee Freedmen D—486,
Lena Peterson,	Cherokee Freedmen D—490,
Alex Johnson,	Cherokee Freedmen D—493,
Martha Vann,	Cherokee Freedmen D—495,
John Scott,	Cherokee Freedmen D—501,
Nancy Rose,	Cherokee Freedmen D—513,
Charles C. Smith,	Cherokee Freedmen D—514,
Susie Colbert,	Cherokee Freedmen D—520,
William Skaggs,	Cherokee Freedmen D—545,
Susie Johnson,	Cherokee Freedmen D—546,
Alfred P. Hopkins,	Cherokee Freedmen D—550,
Kizzie Vann,	Cherokee Freedmen D—552,
Freddie Looney,	Cherokee Freedmen D—573,
Lucy Chouteau,	Cherokee Freedmen D—584,
Alice Durant,	Cherokee Freedmen D—588,
Mahaley Ward,	Cherokee Freedmen D—606,
Fred D. Thomas,	Cherokee Freedmen D—650,
Bettie Beck,	Cherokee Freedmen D—665,
Ellis Warren,	Cherokee Freedmen D—687,
Millie Robinson,	Cherokee Freedmen D—694,
Mary Webber,	Cherokee Freedmen D—691,
Frances Martin,	Cherokee Freedmen D—692,
Mary Riley,	Cherokee Freedmen D—696,
Emmanuel Taylor,	Cherokee Freedmen D—699,
Henry Sykes,	Cherokee Freedmen D—733,
Louisa F. Powell,	Cherokee Freedmen D—735,
Stepney Dawn,	Cherokee Freedmen D—736,
Malinda Vann,	Cherokee Freedmen D—741,
Frances Johnson,	Cherokee Freedmen D—742,
Annie Baxter,	Cherokee Freedmen D—749,
Mary H. Rogers,	Cherokee Freedmen D—752,
George Washington Lane,	Cherokee Freedmen D—758,
Jane Brown,	Cherokee Freedmen D—760,

Samuel L. Young,	Cherokee Freedmen D—761,
John Backner,	Cherokee Freedmen D—780,
Willie Cox,	Cherokee Freedmen D—781,
Leonard Bowles,	Cherokee Freedmen D—787,
Malinda Murrell,	Cherokee Freedmen D—788,
Charles Claggett,	Cherokee Freedmen D—789,
Samuel Irven,	Cherokee Freedmen D—795,
Mary Rose,	Cherokee Freedmen D—799,
Maggie Nave,	Cherokee Freedmen D—809,
Neoma Nave,	Cherokee Freedmen D—816,
Ella Rose,	Cherokee Freedmen D—840,
Elizabeth Duncan,	Cherokee Freedmen D—871,
Sadie Adams,	Cherokee Freedmen D—889,
Georgeann Archer,	Cherokee Freedmen D—901,
John Claggett,	Cherokee Freedmen D—912,
Hattie Smith,	Cherokee Freedmen D—923,
Jack Jackson,	Cherokee Freedmen D—938,
Lula Sanders,	Cherokee Freedmen D—973,
George Hazelrig,	Cherokee Freedmen D—987,
Lizzie West,	Cherokee Freedmen D—990,
Maria French,	Cherokee Freedmen D–1010,
Mary Johnson,	Cherokee Freedmen D–1039,
Maggie Vann,	Cherokee Freedmen D–1062,
William Hudson,	Cherokee Freedmen D–1067,
Sarah Rogers,	Cherokee Freedmen D–1078,
Abraham Ballard,	Cherokee Freedmen D–1082,
Laura David,	Cherokee Freedmen D–1085,
John Deckman,	Cherokee Freedmen D–1105,
James R. Perry,	Cherokee Freedmen R— 39,
Isaac Welch,	Cherokee Freedmen R— 45,
Lawson Logan,	Cherokee Freedmen R— 48,
George Howell,	Cherokee Freedmen R— 56,
Henry Masir,	Cherokee Freedmen R— 78,
George Adams,	Cherokee Freedmen R— 82,
Annie Thomas,	Cherokee Freedmen R— 83,
Lewis McConnell,	Cherokee Freedmen R— 86,
Callie Vann,	Cherokee Freedmen R— 94,
Lon Peters,	Cherokee Freedmen R— 96,
Ida Adair,	Cherokee Freedmen R— 99,
Robert Brown,	Cherokee Freedmen R—100,
Allie Chambers,	Cherokee Freedmen R—102,
Jenn Jones,	Cherokee Freedmen R—104,
Alice Gunter,	Cherokee Freedmen R—105,
Katie Adair,	Cherokee Freedmen R—106,
Carrie Martin,	Cherokee Freedmen R—107,

Benjamin Clubby,	Cherokee Freedmen R.—108,
Emily Looney,	Cherokee Freedmen R.—110,
John Glover,	Cherokee Freedmen R.—112,
Matilda McNair,	Cherokee Freedmen R.—117,
Bettie Vann,	Cherokee Freedmen R.—122,
Nelson Lotty,	Cherokee Freedmen R.—125,
Fannie Rogers,	Cherokee Freedmen R.—129,
William Washington,	Cherokee Freedmen R.—131,
Squire Warren Owens,	Cherokee Freedmen R.—142,
Fannie Gobleby,	Cherokee Freedmen R.—144,
Susan Daniels,	Cherokee Freedmen R.—146,
Anderson Turk,	Cherokee Freedmen R.—148,
David Lane,	Cherokee Freedmen R.—156,
Felix McClain,	Cherokee Freedmen R.—165,
Henderson Jones,	Cherokee Freedmen R.—178,
Belle Vann,	Cherokee Freedmen R.—181,
Levi Stroud,	Cherokee Freedmen R.—196,
John Sumpter,	Cherokee Freedmen R.—211,
Mariah Thompson,	Cherokee Freedmen R.—220,
Ellen Sheppard,	Cherokee Freedmen R.—237,
Lula Melton,	Cherokee Freedmen R.—247.

DECISION.

It appears from the record herein that applications for enrollment as Cherokee citizens by intermarriage, were made to this Commission by William Davis for himself; by Hannah Thomas for her husband, Henry Thomas; by Jim Vann for his wife, Ella Vann; by Sig Markham for his wife, Mary Markham; by Nathan Melton for his wife, Frances Melton; by Mary Dotson for her husband, John Dotson; by George W. Vann for his wife, Mary Ella Vann; by Thomas Lowe for himself; by Thomas Mayfield for his wife, Ella Mayfield; by James Rider for his wife, Sallie Rider; by Reuben Campbell for himself; by Van Jackson Dreher for himself; by Tobe Midleton for his wife, Cassie Midleton; by Thomas Harlin for his wife, Mary Harlin; by John Fields for his wife, Nellie Fields; by John Kimbo for himself; by William W. Madden for himself; by Tobias Bean for his wife, Jane Bean; by Etta Thomas for her husband, Albert T. Thomas; by James Campbell for his wife, Mary Campbell; by Frank Daniels for his wife, Caroline Daniels; by Jim Alberty for his daughter-in-law, Melvina Alberty; by Sarah Morris for her husband, Dave Morris; by Jane Claggett for her husband, Alexander Claggett; by Payton Martin for his wife, Amanda Martin; by Charles Martin for his wife, Elina Martin; by John E. Barnes for himself; by Joe Davis for his wife, Bell Davis; by Ellen Brown for her husband, Samuel Brown; by Mary Ann Watson for her husband, Howard M. Watson; by Jack McConnell for himself; by Maude Munday for herself; by George Reed, Sr., for himself; by Buck Ledman for himself; by Ben Thompson for herself; by Lewis Scott for himself; by Abe Scott for

himself; by Kender Lampton for himself; by Thomas E. Allen for himself; by Lewis Vanderford for himself; by Elizabeth Bowlin for her husband, John L. Bowlin; by John D. Davis for his wife, Katie Davis; by Charles Williams for himself; by John J. Rose for himself; by David Martin for his wife, Jane Martin; by Fred Peterson for his wife, Lena Peterson; by Mariah Johnson for her husband, Alex Johnson; by Joseph Vann for his wife, Martha Vann; by John Scott for himself; by Steve Looney for Nancy Ross; by Charles C. Smith for himself; by James Colbert for his wife, Susie Colbert; by Rosanna Skaggs for her husband, William Skaggs; by Susie Johnson for herself; by Alfred P. Hopkins for himself; by Charles Vann for his wife, Kizzie Vann; by Jake Looney for his wife, Freddie Looney; by Lucy Chouteau for herself; by Alice Durant for herself; by Alonzo Ward for his wife, Mahaley Ward; by Fred D. Thomas for himself; by Benjamin Beck for his wife, Bettie Beck; by Ellis Warren for himself; by William Henry Robinson for his wife, Millie Robinson; by Josh Webber for his wife, Mary Webber; by Otto Martin for his wife, Frances Martin; by Ed Riley for his wife, Mary Riley; by Emanuel Taylor for himself; by Henry Sykes for himself; by Larkin P. Powell for himself; by Stepney Dawn for himself; by Ellis Vann for his wife, Malinda Vann; by David Johnson for his wife, Frances Johnson; by Phillip Foster for his wife, Annie Foster; by Houston Rogers, Jr., for his wife, Mary H. Rogers; by George Washington Lane for himself; by Silas Hammer Brown for his wife, Jane Brown; by Samuel L. Young for himself; by Lizzie Buckner for her husband, John Buckner; by Sarah Cox for her husband, Willis Cox; by Susan Bowles for her husband, Leonard Bowles; by Henry Murrell for his wife, Malinda Murrell; by Charles Claggett for himself; by Samuel Irven for himself; by David Ross for his wife, Mary Ross; by George F. Nave for his wife, Maggie Nave; by Lewis Armstead Nave for his wife, Neoma Nave; by Perry Ross for his wife, Ella Ross; by Elizabeth Duncan for herself; by Perry Adams for his wife, Sadie Adams; by Thomas Archer for his wife, Georgeann Archer; by Nancy Claggett for her husband, John Claggett; by Sonny Smith for his wife, Hattie Smith; by Jack Jackson for himself; by John Sanders for his wife, Lula Sanders; by Mary Hazelrig for her husband, George Hazelrig; by George West for his wife, Lizzie West; by Maria French for herself; by Mary Johnson for herself; by Maggie Vann for herself; by William Hudson for himself; by Sarah Rogers for herself; by Abraham Ballard for himself; by King David for his wife, Laura David; by John Deckman for himself; by James B. Perry for himself; by Isaac Welch for himself; by Nancy Logan for her husband, Lawson Logan; by Maria Howell for her husband, George Howell; by Amanda Masir for her husband, Henry Masir; by Katie Adams for her husband, George Adams; by Willie Thomas for his wife, Annie Thomas; by Lewis McConnell for himself; by Josh Vann for his wife, Callie Vann; by Lou Peters for herself; by Robert Adair for his wife, Ida Adair; by Josie Brown for her husband, Robert Brown; by Mat Chambers for his wife, Allie Chambers; by Rachel Jones for her husband, Isom Jones; by Lewis Gunter for his wife, Alice Gunter; by Amos Adair for his wife, Katie Adair; by William H. Martin for his wife, Carrie Martin; by Benjamin Clark for himself; by Emily Looney for herself; by Mary Groves for her husband, John Groves; by Butler McNair for his wife, Matilda McNair; by Bettie Vann for herself; by Nelson Lett for himself; by Allen Rogers for his wife, Fannie Rogers; by William Washington for himself; by Squire Warren Owens for himself; by Fannie Goldsby for herself; by Charles Daniels for his wife, Susan Daniels; by Rachel Turk for her husband, Anderson Turk; by David Isaac for himself; by Felix McClain for himself; by Henderson Jones for himself; by Isaac Vann for his wife, Belle Vann; by Maggie Stroud for her husband, Levi Stroud; by John Sumpter for himself; by Mariah Thompson for herself; by Ellen Sheppard for herself; and by Lula Melton for herself, claiming their right thereto by virtue of their marriage to Freedmen Cherokee citizens.

The record further shows that none of the applicants herein make any claim to enrollment as citizens of the Cherokee Nation other than as set forth above.

It further appears from the record herein that at the time applications were made for the enrollment of the above named applicants, application was also made for the enrollment of other applicants as Cherokee Freedmen, but said applications being differently classified are not included in this decision.

It does not appear that any of the applicants herein are identified upon the 1880 Authenticated Cherokee Roll, nor does it appear that any of said applicants has ever been admitted to Cherokee citizenship by a duly constituted court or committee of the Cherokee Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321).

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Lemuel Welcome, (I. T. D. 5848-1904, 11,776-1904), the applications made for the enrollment of William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Midleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dawd, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Melinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria Treech, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington,

Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by intermarriage, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[SIGNED] TAMS BIXBY,
Chairman.

[SIGNED] T. B. NEEDLES,
Commissioner.

[SIGNED] C. R. BRECKINRIDGE,
Commissioner.

MUSKOGEE, INDIAN TERRITORY, JANUARY 19, 1905.

COPY

CERTIFICATE IN LIEU OF LOST OR DESTROYED DISCHARGE CERTIFICATE.

TO ALL WHOM IT MAY CONCERN:

KNOW YE, that Amos Adair, a Private of Company E., seventy-ninth Regiment of United States Colored Infantry VOLUNTEERS, who was enrolled on the twelfth day of August, one thousand eight hundred and sixty-two, to serve three years was DISCHARGED from the service of the United States on the first day of October, one thousand eight hundred and sixty-five, by reason of muster out of Company.

THIS CERTIFICATE is given under the provisions of the Act of Congress approved July 1, 1902, "to authorize the Secretary of War to furnish certificates in lieu of lost or destroyed discharges," to honorably discharged officers or enlisted men or their widows, upon evidence that the original discharge certificate has been lost or destroyed, and upon the condition imposed by said Act that this certificate "shall be accepted as a voucher for the payment of any claim against the United States for pay, bounty, or other allowances, or as evidence in any other case."

Given at the RECORD AND PENSION OFFICE, WAR DEPARTMENT, Washington, D. C. this seventh day of May, one thousand nine hundred and three.

BY AUTHORITY OF THE SECRETARY OF WAR:

T. C. Ainsworth,
Brigadier General, U.S.A.
Chief Record and Pension Office.

(333)

724832.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, April 28, 1904.

I, the undersigned, a member of the Commission to the Five Civilized Tribes, hereby certify that the above and foregoing is a true and correct copy of the original Discharge Certificate filed in the application of Amos Adair for enrollment as a Cherokee freedman, Cherokee Freedmen R-106.

Commissioner.

COPY

Docket of Applicants

to

Cherokee Citizenship

1871. Hon. Chief Justice R. B. Daniel.

W. H. Turner, clk.

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Coowescoowee district.

R. R. 17 Amos Adair Claims detainment by enlist in the Army.

Decided against claimant June 12, 1871.

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DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

This is to certify that the above and foregoing is a full, true and correct copy of the record of the proceedings of the Supreme Court of the Cherokee Nation for the year 1871 in the matter of the claim of Amos Adair for recognition as a citizen of the Cherokee Nation as the same appears on page 28 of the record of proceedings of said court.

W. O. Beall
Acting Commissioner.

Dated at Muskogee, Indian Territory,

this MAR 30 1906

C7 to 106

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application Ames Adair et al for enrollment as Cherokee Freedman, [redacted]

MOTION FOR REHEARING.

Comes now the applicants in the above entitled case and moves the Department to grant them a new hearing in order that they may have a an opportunity to intrpduce newly discovered evidehce , which is evidēn ce of which they had nc knowledge at the time of the former hearing of this cause, and by which evidence they expect to prove that said Ames Adair returned to the Cherokee Nation and bona fide established a residence therin on or before February 11, 1867.

In view of the fact that we have only two days in which to file this motion for a rehearing we ask that we be allowed thirty days time within which to file a supplemental motion for a rehearing and affidav its attached thereto; in support of this motion.

Starr & Patton
Attorneys for Applica nts.

UNITED STATES OF AMERICA,)
INDIAN TERRITORY,) SS.
NORTHERN DISTRICT.)

I, J C Starr UPON MY OATH DO STATE that I am one of the attorneys in the above named cause , that this motion for a rehearing is made in good faith and not for the purposes of delay, but in order that justice may be done.

J C Starr

Subscribed and sworn to before me this 23 day of June, 1906.

Jessie Patton

My commission expires Dec. 16, 1909

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the motion for a rehearing of the application for the enrollment of Amos Adair, et al., as Cherokee Freedmen, F. R. 106.

Reply of the Cherokee Nation.

Comes now the Cherokee Nation and moves to dismiss the motion for a rehearing filed on behalf of applicants in this case for the reason that the same has not been sworn to before a Notary Public within the jurisdiction for which the Notary was appointed, and in support thereof is hereto attached the testimony taken in the Mary Sanders Case, F. R. 38, which conclusively shows that J. C. Starr and Jessie Patten were at Vinita, in the Northern District of the Indian Territory, on the 25th day of June, 1906, and that Jessie Patten was not a Notary within and for the Northern District of the Indian Territory, and it will be noticed that this jurat is headed "United States of America, Indian Territory, Northern District, ss," but an examination of the seal will show it to be Western District. Vinita is in the Northern District; that is where they were on the 25th day of June, 1906, as admitted by both of them in their testimony.

However, there is no reason set up in the motion for a rehearing necessary to answer. They allege that they want an opportunity "to introduce newly discovered evidence." But the truth is the evidence is not as yet discovered, because they do not give the names of any witnesses, nor do they attach affidavits of any witnesses to this motion and they ask that they be given time within which to search about over the country and look up people who will make affidavits to facts to fit their case. We think we are justified in saying that this is inconsistent with the attempted oath which is taken, wherein it is stated: "this motion for a rehearing is made in good faith and not for the purpose of delay, but in order that justice may be done." In the case of Celia Kirkpatrick (I.T.D. 7744 and 7514-1904) the Department on January 19, 1905, held:

"The Department does not feel warranted in remanding the case upon

the motion of said attorneys unsupported by the affidavits of the witnesses whose testimony they desire to introduce."

Now, no affidavits are attached to this motion. Nox showing has been made of any diligence. It is true the counsel says that he had only two days, but the record in this case shows that the original application was filed on June 1, 1901, or five years ago, and certainly if the applicants had any witnesses they could have given counsel their names and had them embodied in the motion. The decision of the Secretary of the Interior affirming the decision rejecting Amos Adair was dated September 2, 1904, and almost two years have elapsed since that time. In Creek Allotment Contest No. 49, it was held:

"In motions for rehearing resting on newly discovered evidence it should be shown that said evidence could not be discovered by due diligence, and the facts showing such diligence should appear."

As above observed none whatever has been shown in this case, and no reasons are assigned why the motion to reopen and rehear should be granted, and the rules not having been complied with, we submit that this motion is no motion at all, and that being no motion it cannot be amended, and that the time expired on June 25, 1906, for filing a motion for a rehearing in this case.

Respectfully submitted,

W. W. Hastings

Attorney for the Cherokee Nation.

A F F I D A V I T.

UNITED STATES OF AMERICA,)
INDIAN TERRITORY, (SS.
NORTHERN DISTRICT)

BE IT REMEMBERED that on this 13th day of August, A. D., 1906, personally appeared before me, the undersigned, a Notary Public within and for the Northern District of the Indian Territory, duly commissioned and acting as such, AMOS ADAIR of lawful age, who being first duly sworn on his oath deposes and says:-

"My name is Amos Adair; my age is 69 years and my Post Office is now Fort Gibson, Indian Territory. I am the principal applicant in this case. At the commencement of the Civil War I was the slave of Ned Adair who was at that time a citizen of the Cherokee Nation and a resident of Flint District, Cherokee Nation, Indian Territory. After the Civil War broke out I went to Kansas and joined the Union Army. I was enrolled on August 12, 1862 as a Private in Company E, 79th U. S. Colored Infantry to serve three years, and I served in the Army until the Company was mustered out of the service at Fort Leavenworth, Kansas and I was honorable discharged because of the muster out of the Company at Fort Leavenworth, Kansas on October 1, 1865. I had a certificate of discharge which became so worn that it fell to pieces and a new certificate was issued in lieu of the lost one which appears to be numbered 724832. During the Civil War I received a gun shot wound which disabled me and I am now drawing a pension of Twelve Dollars per month which I have been drawing for the past dozen or more years. After I was discharged from the service I came directly to the Cherokee Nation, Indian Territory and at that time I found the Osage Indians in camps along the Verdigris River south of Old Parker; at the said Old Parker afterwards became the town of Coffeyville, Kansas or was in the vicinity of Coffeyville, Kansas. After I was in the Cherokee Nation for some time I went to the Home of Stephen Little and worked for him and helped to make rails and do other work improving his place. I was the first colored man to come just below the Mouth mouth of Snow Creek where it empties into the Verdigris River, with the exception of Stephen Little who was living in that country when I came there. The said Stephen Little was not the slave of a Cherokee citizen at the commencement of the war and never claimed citizenshup in the Cherokee Nation as I ever heard of. his daughter, Mariah French, married a Cherokee Freedman and she became a claimant to citizenship by intermarriage. I was making my home with Stephen Little on the Verdigris River when Daniel Sanders, Reuben Sanders and the Webbers and the Meigs all brought their families to the Cherokee Nation and I had been living there at that time for a long time. I was living with the family of Stephen Little on the Verdigris River before the Treaty of July 1866 was made and was living up there at the time it was promulgated on August 11, 1866 and have lived in the Cherokee Nation at all times ever since that time.

I make this Motion in good faith not for the my purposes of delay, but in order that justice might be done me. At the former trial of this case I procured all of the testimony that I was able to procure after spending much time in search of the same. I made inquiry of the people whom I believed would know about the facts and circumstances connected with my case, and after much serach and diligent inquiry I was unable to produce any more testimony than that which I did produce at the former trial. After my case was tried I continued my efforts and have, since the decision in said case was rendered, discovered the testimony of the witnesses whose affidavits are attached to my Motion for a rehearing, and the testimony of a number of others. This testimony is newly discovered and could not have been produced at the former hearing of this case because I was diligent and made diligent inquiry of my neighbors and people whom I believed would know of the facts connected with my case and was unable at that time to find the testimony, but after continued search and continued effort I have been able to discover this

testimony and now ask that I be granted a rehearing in order that I be permitted to introduce this newly discovered testimony at the rehearing to show that I am entitled to enrollment as a Freedman citizen of the Cherokee Nation".

his
[illegible] I [illegible]
mark

Witnesses to mark:
JESSIE PATTEN
W. B. ROSS.

Subscribed and sworn to before me this 13th day of August, A. D., 1906.

W. B. [illegible]

NOTARY PUBLIC.

(SEAL)

My commission expires Oct 17, 1908

UNITED STATES OF AMERICA,

INDIAN TERRITORY,

NORTHERN DISTRICT. SS.

Personally a peared before me the undersigned Notary Public within and for the Northern District of th Indian Territory, George Melton of lawful age who being first duly sworn on his oath says:

"My name is George Melton, my age is 58 years, and my post office address is Lenapah, Indian Territory. I am a duly enrolled Freedman Citizen of the Cherokee Nation, and my name is on the authenticated roll of 1880, and I have received my allotment of land in the Cherokee Nation. I am acquainted with the applicant, Amos Adair,. I was a soldier in the Union Army and first became acquainted with Amos Adair, in the Army in 1862. I was in Company " B" 79 U. S. Regiment, and Amos Adair was in Company "E" of the same regiment. I knew him from that time until the present time. I was discharged in October, 1865, at Fort Leavenworth, and went from there to the four mile strip on the Kansas line, and stayed there until the fall of 1866, that being the next fall after I was discharged . In the fall of 1866 I came on into the Cherokee Nation and stopped on Snow Creek, and when I landed on Snow Creek in the Cherokee Nation, Amos Adair was living about one half mile from where I landed . He had been there about one week when I came. I know that Amos Adair, came to the Cherokee Nation and established a residence here in the fall of 1866, and has remained and lived here continuously ever since since when I first saw him on Snow Creek Cherokee Nation in the fall of 1866. He had his family with him and was living there. I am not of kin to the applicant, and have no interest in this case.

George Melton

Subscribed and sworn to before me this 19th day of September, 1906.

W. E. Twichell
Notary Public.

(SEAL)

My commissions expires
October 24, 1909.

UNITED STATES OF AMERICA,

INDIAN TERRITORY,

NORTHERN DISTRICT. SS.

Personally appeared before me the undersigned Notary Public within and for the Northern District of the Indian Territory, Stephen Little, of lawful age, who being first duly sworn on his oath says:

"My name is Stephen Little, my age is 83 years, and my post office is Lenapah, Indian Territory. I am a Native of Kentucky, and am not a Citizen of the Cherokee Nation. I was a soldier in the Union Army in the Civil war, was a quarter -master under Col. Cloud in the 4th Kansas Regiment, and was discharged at Ft. Scott , in 1862, and reinlisted under Col. Douglass in 1864, and was discharged at Ft. Leavenworth, Kas the nex day after the assassination of President Lincoln. I came to the Cherokee nation and landed on Snow Creek April 4, 1866, I am aqquanited with the applicant, Amos Adair and became adquainted with him about 1861. I know that Amos Adair returned to the Cherokee Nation in the fall of 1866 and has lived here continuously ever since. I was living on Snow Creek in 1866, and in the fall of 1866 Amos Adair came to my house on Snow Creek with two women, Mary and Caroline, and he said that he had justcome from Kansas . This was just about time of frost in the fall of 1866. He built him a house out of hides just abour a half mile from where I lived , and w as backwards and forwards almost every day. The hides he built his house with, he got from the Osage Indians, and he lived in that house during the winter of 1866 and in the Spring of 1867 he built him a log house on the same place. At this time in 1866 there were a great number of Osages in this community , all up and down Snow Creek, and as far South as where the town of Claremore now is. I know that Amos Adair returned to the Cherokee Nationand established a home here on Snow Creek in the fall of 1866, because I know that I came to Snow Creek on April 4, 1866, and Amos Adair came to the same and place and lived within a half mile of me in the fall of the same year. I am not of kin to the applicant, and have no interest in this case

his
Stephen X Little
mark

Wttness to mark.
W. E. Twichell

Subscribed and swern to before me this 19th day of September, 1906.

W. E. Twichell
Notary Public.

My commission expires
October 24, 1909.

FILED

OCT 1 - 1906

COMMISSIONER

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the Motion for a rehearing of the application for the enrollment of Amos Adair, et al., as Cherokee Freedmen, F.R. 106.

M O T I O N.

Comes now the applicants and move to strike from the records the testimony taken in the case of Mary Sanders, Cherokee Freedman R. 38, et al. which has been attached to 'The Reply of the Cherokee Nation' in this case, for the reason that the Attorney for the Cherokee Nation seeks to bring into this case the testimony from an entirely different case and make it a part of the record in this case.

That said record can have no bearing upon this case and the mere conclusion of the Attorney for the Cherokee Nation that the Motion for rehearing has not been sworn to is not supported by any reference to Law and is only the statement of the Attorney for the Cherokee Nation and his opinion upon points of this kind without showing any Law to support it is not any better than the opinion of any one else. It is attempted to inject the testimony from another case into this case for the purpose of creating a prejudice against the Attorneys for applicants and against applicants in these cases and is in direct violation of the rule laid down by the Honorable Secretary of the Interior in Departmental letter of May 21, 1906 (D.C. 20724; I.T.D. 5268-1905; 4589-1905; 3557-1905; 9556-1905) in the matter of the Cherokee Freedmen Enrollment of Catherine Mix wherein the Department held "It is observed that the testimony taken in certain other cases was appended to the record herein and made a part of the same, contrary to the objection of counsel for the applicants. While this action of the Commission is not considered proper in view of such objection, the additional testimony has not been considered in-so-much as the testimony submitted by and on behalf of the principal applicant is of itself sufficient to warrant the conclusion

which the Department has reached in the matter".

"Briefs submitted by counsel for the applicants and for the Nation have been considered. It is found that the Brief submitted on behalf of the applicants was supported by affidavits. In-as-much as new testimony can be properly introduced only for the purpose of securing a rehearing, these affidavits have not been considered in connection with said Motion, which was designed merely to secure a review of the Decision of the Commission to the Five Civilized Tribes".

It will be noticed that the so-called "Reply of the Cherokee Nation" has all of this testimony attached to it and the Attorney for the Nation evidently wants to have same considered by the Department. When this testimony in the Mary Sanders case was taken, the Attorney for the Nation asked for a rule on us to see where we were on June 13th and on June 25th and whether or not Jessie Patten was a Notary Public for the Northern District of the Indian Territory. We appeared at Muskogee at the request of the Honorable Commissioner to the Five Civilized Tribes and consented to give our testimony in the Mary Sanders case and we stated that Jessie Patten was not a Notary Public for the Northern District of the Indian Territory but that she was a Notary Public for the Western District of the Indian Territory, and that as such Notary Public certain affidavits were sworn to before her in Vinita, Northern District of the Indian Territory. The Attorney for the Cherokee Nation, without looking up the Law, has jumped at the conclusion that said affidavits are void and we have filed our Brief in that case stating our position with reference to said affidavits, and on that same legal proposition we will file our Brief in this case.

This attempt on the part of the Attorney for the Cherokee Nation is in conflict with the ruling of the Department in Departmental letter dated June 20, 1906 (D.C. 25068; I.T.D. 6190-1903; 3700-1904) in the Cherokee Freedmen Enrollment case of Payton Martin, et al., in which the Department held "A re-consideration of the record in this case shows that on the original hearing five witnesses were examined by the Attorneys for applicants and subjected to cross-examination by the Attorney for the Nation. Opposed to this showing there is attached to

the record the testimony of E. J. Clayton astaken in the Neatie Martin case. It does not appear that this testimony is filed with the consent of the Attorneys for the applicants, and in the argument submitted by them they state that their consent was not given".

"Since the hearing certain affidavits have been filed in behalf of the applicants".

"It is not the policy of the Department to consider evidence in citizenship cases submitted in this form, as it is manifestly unfair to the Nation and against the rules of evidence. In this case it is apparent that the evidence of E. J. Clayton, taken in another case and without opportunity of cross-examination by applicants' Attorneys is subject to the same criticism as the affidavits submitted by the applicant".

"The Department cannot in justice be expected to adjudicate a case on such affidavits on behalf of the Nation. In regard to the cross-examination of witnesses and the injection of testimony from other cases into the case under consideration your attention is called to Departmental letter of December 7, 1905, in the application for the enrollment of Dechee, deceased, as a citizen by blood of the Creek Nation, and also to Departmental letter of May 21, 1906 relative to the application of Catherine Mix for her enrollment as a Cherokee Freedman. As the objections to this testimony were made in the argument submitted, the Nation should be permitted to introduce their evidence in the premises".

"The Departmental Decision of September 22, 1905, in this case is hereby rescinded, and the case is remanded for a further hearing. You are instructed to permit the applicants and the Attorney for the Nation to present such proper evidence as they see fit on the matter of the rights of these applicants to enrollment as Cherokee Freedmen."

It is clear therefore that the Attorney for the Nation has violated the plain rule laid down by the Department when he filed with this case all of the testimony taken on July 12, 1906 in the matter of the application for the enrollment of Mary Sanders, et al., as Cherokee Freedmen. This testimony has no place in this record and we objected at the time to testimony being taken in the Mary Sanders case with reference to

other cases and we now earnestly object to this method of procedure on part of the Attorney for the Cherokee Nation because it is plainly proven on the face of the so-called "Reply of the Cherokee Nation" that this method is resorted to to secure a prejudice against the Attorneys for the applicants and the cause of the applicants herein, and we therefore move that the same be stricken from the records in this case.

Respectfully/

Starr & Patten

ATTORNEYS FOR APPLICANTS.

IN THE MATTER OF THE APPLICATION OF AMOS ADAIR FOR THE ENROLLMENT OF HIMSELF, WIFE AND FIVE CHILDREN AS CHEROKEE FREEDMAN.

To the Honorable Secretary of the Interior through the Honorable Commissioner to the Five Civilized Tribes.

Comes now Amos Adair and respectfully represents that heretofore he has filed his application for the enrollment of himself, wife and five children as Cherokee Freedman and that the same was rejected and now believing that he has testimony which during the pendency of said application he was unable to obtain that will establish the fact that his said application should be acted upon favorably and thus permit the enrollment of himself, wife and five (5) children as petitioned for; that he filed herewith his affidavit together with the affidavits of Stephen L. Little, George Melton, Malline Chambers and George W. Lynch in support of the same.

Your said petitioner files herewith said affidavits and has served copies of the same upon the Attorney for the Cherokee Nation as shewnherein.

WHEREFORE: He prays that this case be reopened and that it together with his application be reconsidered to the end that he may again be heard upon the said application and present his evidence in support of the same.

Amos Adair

(by) Martin & Sidney

Attorneys for Petitioner.

UNITED STATES OF AMERICA,
Western District,
Indian Territory, } ss.

Amos Adair being first duly sworn says:

That if an oppertunity is given him he believes he can establish his right to be enrolled as a Cherokee Freedman. That heretofore he has filed his application for enrollment as such, but the same has been rejected; that since s aid rejectment he has found other testimony and witnesses which he believes that if presented to the department would prove his right to be enrolled as a Cherokee Freedman.

Affiant further states that he is prepared to show by the affidavit of Stephen L. Little which he files herewith that said affiant was a slave of Ned Adair, a Cherokee Indian and that said Amos Adair is a Cherokee Freedman; that prior to and during the year of 1866 the said Amos Adair lived at Snow Creek, Indian Territory and for four (4) years thereafter; That he can show by George Melton whose affidavit is filed herein that said Amos Adair in 1862 joined the Union Army and that the said Amos Adair was at Snow Creek, Indian Territory in October of 1866 , where he lived for about four (4) years and that said Amos Adair had established a home there; That he is able to show by Salline Chambers whose affidavit is hereto attached , that said Amos Adair lived in Snow Creek, Indian Territory in 1866 for four (4) years afterwards where he established a home and that he lived at Timber Hill, Indian Territory after leaving Snow Creek: That he can shows by George W. Lynch, whose affidavit is attached hereto that the said Amos Adair in 1873 was living at Vinita and that his residence at Vinita covers a period of not less than eighteen (18) years.

Affiant further says: That he was in the Cherokee country at the commencement of the rebellion prior to January 1, 1867 and resided therein and that he now resides at Fort Gibson, Indian Territory.

That at the time he made his application for enrollment that he also applied for the enrollment of his wife and five (5) children as Cherokee Freedman. He desires that said application may be reopened, reconsidered and that he have an oppertunity of pre-

senting his claims for enrollment for himself and family as aforesaid

_____

Subscribed and sworn to before me this _____day of _____

_____, 1906.

_____
Notary Public.

My commission expires_____190_____

UNITED STATES OF AMERICA,)
Indian Territory,)ss.
Northern Judicial District,)

Stephen L. Little being first duly sworn deposes and says he enjoys all the rights of a Native Born Cherokee and is eighty-one (81) years of age, that he well knows Amos Adair; that in 1861 he knew the said Amos Adair to be the slave of Ned Adair, now deceased, a Cherokee Indian; that the said Amos Adair is still living and is a Freedman; that prior to the treaty of "66" this affiant and said Amos Adair went to Snow Creek, Indian Territory where he lived for four (4) years afterwards after 1866.

(Signed) Stephen his mark L. Little.

Witnesses to mark.

James D. Evans.

Subscribed and sworn to before me this 3rd day of February, 1906.

(Signed) Henry Rider,
Notary Public.

(SEALED)

My commission expires April 7th, 1909.

UNITED STATES OF AMERICA,)
Indian Territory,)ss.
Northern Judicial District,)

George Melton of Lenapah, Indian Territory being first duly sworn deposes and says, that he is a Cherokee freedman and is fifty-eight (58) years of age; that he well knows Amos Adair; that this affiant and the said Amos Adair in August 1862 went out with the Union Army, came back therefrom to Leavenworth, Kansas in 1865 where they were mustered out. That this affiant came to Snow Creek, Indian Territory in October, 1866 where he found the said Amos Adair . That the said Amos Adair had cleared about one (1) acre of land and built a house of buffalo hides. He further says that the said Amos Adair lived at this place for about four (4) years.

(Signed) George Melton,

Subscribed and sworn to before me this 3rd day of February 1906.

(Signed)
Henry Rider, Notary Public.

(SEALED)
My commission expires April 7th, 1909.

UNITED STATES OF AMERICA,)
Indian Territory,)ss.
Northern Judicial District,)

Calline Chambers being first duly sworn deposes and says that she is a Cherokee Freedman and is about _____years of age. That she well known Amos Adair, and that said Amos Adair is still living and is a Freedman, that said Amos Adair lived on Snow Creek, Indian Territory, in 1866, and for four (4) years afterwards after 1866 . That he also built a house, owned two horses, growed chickens and hogs, and cleared a small place for farming: That she knew of his living at Timber Hill, Indian Territory after leaving Snow Creek.

her
Calline X Chambers (Signed)
mark

Witnesses to mark,
James K. Evans,
Ed Chambers.

Subscribed and sworn to before me this 3rd day of February, 1906.

SEALED. (Signed) Henry Rider,
Notary Public.

My commission expires April 7th, 1909.

UNITED STATES OF AMERICA,
Indian Territory,
Northern Judicial District, } ss.

George W. Lynch being first duly sworn deposes and says that he well knows Amos Adair, that in the summer of 1873 the said Amos Adair was living in Vinita, and that his residence therein, though not continuous, covers a period of not less than eighteen (18) years.

(Signed) George W. Lynch.

Subscribed and sworn to before me this the 28th day of February, 1906.

(Signed) Frank M. Collins,
Notary Public.

(SEALED)

My commission expires 1/8/10.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JUN 1 1901

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date June 4 1901

Post Office Welch I. T.

District Delaware

1. Name Annie Adair Age 66

Citizenship

Owner's name

Year ____ Page ____ No. ____ District Rejected

Parents:

Father ____ Citizenship

Mother Becky Cooper - dead Citizenship

2. Name of wife Katie Adair Age 40

Citizenship

Owner's name

Year ____ Page ____ No. ____ District ____

Parents:

Father ____ Citizenship

Mother ____ Citizenship

Names of Children:

3. Thomas G. Adair Year ____ Page ____ No. ____ Dist. ____ 15
4. Ross " Year ____ Page ____ No. ____ Dist. ____ 16
5. Louis " Year ____ Page ____ No. ____ Dist. ____ 12
6. Katie " Year ____ Page ____ No. ____ Dist. ____ 7
7. Lillian " Year ____ Page ____ No. ____ Dist. ____
8. Year ____ Page ____ No. ____ Dist. ____
9. Year ____ Page ____ No. ____ Dist. ____
10. Year ____ Page ____ No. ____ Dist. ____
11. Year ____ Page ____ No. ____ Dist. ____
12. Year ____ Page ____ No. ____ Dist. ____

Rejected

Appljeation made by Mo. 1 Stenographer J. C. Parsons

Mellette and Smith, atty's. for applicants

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chelsea, Indian Territory, June 8th, 1901.

Received of the Commission to the Five Civilized Tribes one copy of the original testimony in the matter of the application of Amos Adair for the enrollment of himself as a Freedman of the Cherokee Nation.

W. M. Willett

Attorneys for Applicants.

Cherokee F. #8106.

COMMISSIONERS
TAMS BIXBY,
THOMAS B NEEDLES,
C R BRECKINRIDGE,
W. E STANLEY.

ALLISON L AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
R 106

Muskogee, Indian Territory, February 25, 1904.

Amos Adair,

Welch, Indian Territory.

Dear Sir:

In the matter of your application for the enrollment of yourself, your wife, Katie Adair, and your minor children, Thomas G., Remus, Louis, Catie and Lillian Adair, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to the date of your return to the Cherokee Nation after the close of the war of the rebellion and your residence since that time.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Tuesday April 5, 1904, and introduce testimony as above requested.

Respectfully,

Commissioner in Charge.

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. F. STANLEY

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
R 106

Muskogee, Indian Territory, February 25, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of Amos Adair, et al., for enrollment as Cherokee Freedmen, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to the date of the return of said Amos Adair to the Cherokee Nation after the close of the war of the rebellion and as to his residence since that time.

The said Amos Adair has, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Tuesday April 5, 1904, and introduce testimony as above requested.

The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
R 106

Muskogee, Indian Territory, February 25, 1904.

Edgar Smith,

Attorney for Amos Adair, et al.,

Vinita, Indian Territory.

Dear Sir:

In the matter of the application of Amos Adair, et al., for enrollment as Cherokee Freedmen, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to the date of the return of said Amos Adair to the Cherokee Nation after the close of the war of the rebellion and as to his residence since that time.

The said Amos Adair has, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Tuesday April 5, 1904, and introduce testimony as above requested.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
R-106.

Muskogee, Indian Territory, April 28, 1904.

Amos Adair,

Fort Gibson, Indian Territory.

Dear Sir:

In reply to your request of April 24, there is herewith enclosed your certificate of discharge from the United States Army, copies of same having been made and filed in your application for enrollment as a Cherokee freedman.

Respectfully,

Enc. D-11. Chairman.

Cherokee Freedmen

R-106.

Muskogee, Indian Territory, July 20, 1904.

J. Garfield Buell,

Attorney for Amos Adair, et al.,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed certificate in lieu of lost or destroyed discharge certificate of Amos Adair from Co. E. 9th U. S. Colored Infantry, dated May 7, 1902. Copies of this document have been made and filed in the application of Amos Adair for the enrollment of himself and others as Cherokee freedmen.

Respectfully,

Encl. S-65.

Commissioner in Charge.

COPY.

Cherokee Freedmen
R-106.

Muskogee, Indian Territory, July 28, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Amos Adair for the enrollment of himself and his five minor children, Thomas C., Remus, Louis, Oatie and Lillian Adair as Cherokee freedmen, including the Commission's decision dated July 23, 1904, rejecting said application.

Respectfully,

T. B. Needles.
Commissioner in Charge.

Encl. S-130.

Through the

Commissioner of Indian Affairs.

COPY.

Cherokee Freedmen

R-106.

Muskogee, Indian Territory, July 28, 1904.

Hastings, Bell & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes dated July 23, 1904 rejecting the application of Amos Adair for the enrollment of himself and his five minor children, Thomas G., Remus, Louis, Catie and Lillian Adair as Cherokee freedmen.

The decision, with the record of proceedings, was this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.
Commissioner in Charge.

Encl. S-129.

COPY.

Cherokee Freedmen

R-106.

Muskogee, Indian Territory, July 28, 1904.

Edgar Smith,

Attorney for Amos Adair, et al.,

Fort Gibson, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of Commission to the Five Civilized Tribes dated July 23, 1904, rejecting the application of Amos Adair for the enrollment of himself and his five minor children, Thomas G., Remus, Louis, Catie and Lillian Adair as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings, has this day been forwarded to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

T. B. Needles.
Commissioner in Charge.

Encl. S-128.
Register.

Commissioner to ...

Encl. S-127.

Register.

COPY.

Cherokee Freedmen

R-106.

Muskogee, Indian Territory, July 28, 1904.

Amos Adair,

Fort Gibson, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes dated July 23, 1904, rejecting your applications for the enrollment of yourself and your five minor children, Thomas G., Remus, Louis, Catie and Lillian Adair as Cherokee freedmen. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded him a copy of the Commission's decision.

The decision, with the record of proceedings had in this case, has this day been forwarded to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

T. B. Needles,

Commissioner in Charge.

Encl. S-127.

Register.

(C O P Y)

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

Refer in reply
to the following:
Land
52171-1904

WASHINGTON, AUGUST 24, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated July 28, 1904 transmitting the record of the application for enrollment as Cherokee freedmen by Amos Adair for himself and his five minor children, Thomas G. Remus, Louis, Oatie and Lillian Adair.

July 23, 1904, the Commission decided adversely to the applicants.

The record shows that the principal applicant , Amos Adair was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that he was taken out of the Cherokee Nation during the war and did not return and establish a home therein on or before February 11, 1867. The other applicants were born since 1866, and only possess such rights as were acquired by their father, Amos Adair. None of their names is identified on any roll pertaining tothe Cherokee Nation.

In view -of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

W. A. Jones
Commissioner

M.M.M.
W.

(C O P Y)

J.P.
W.H.R.
L.R.S.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

D.C.- 32930-1904
I.T.D. 6840-1904.

September 2, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

July 28, 1904, you transmitted the record in the matter of the application of Amos Adair for the enrollment of himself and his five minor children, Thomas G. Remus, Louis, Oatie and Lillian Adair, as Cherokee freedmen, including your decision of July 23, 1904, rejecting said appli cation.

Reporting in the matter August 24, 1904, the Commissioner of Indian Affairs recommends the approval of your decision.

The Department concurs in said recommendation and your decision is hereby affirmed.

A copy of the Commissioner of Indian Affairs' report is inclosed.

Respectfully,

(Signed) Thos Ryan
Acting Secretary

1 inclosure.

COPY.

Cherokee Freedmen
R 106

Muskogee, Indian Territory, October 6, 1904.

Amos Adair,

Fort Gibson, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 23, 1904, rejecting your application for the enrollment of yourself and your minor children, Thomas G., Remus, Louis, Catie and Lillian Adair, as Cherokee freedmen, was affirmed by the Secretary of the Interior on September 8, 1904.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

COPY.

Cherokee Freedmen
R 106

Muskogee, Indian Territory, October 6, 1904.

Edgar Smith,

Attorney for Amos Adair, et al.,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 25, 1904, rejecting the application for the enrollment of Amos Adair and his minor children, Thomas G., Remus, Louis, Catie, and Lillian Adair, as Cherokee freedmen, was affirmed by the Secretary of the Interior on September 2, 1904.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chas. R.

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
R 104

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 6, 1904.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated July 25, 1904, rejecting the application for the enrollment of Ames Adair and his minor children, Thomas C., Remus, Louis, Catie and Lillian Adair, as Cherokee freedmen, was affirmed by the Secretary of the Interior on September 2, 1904.

Respectfully,

Chairman.

COPY.

Cherokee Freedmen

R-106.

Muskogee, Indian Territory, January 24, 1905.

Katie Adair,

Fort Gibson, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage. A copy of the Commission's decision has this day been forwarded to your attorney, Edgar Smith, Vinita, Indian Territory.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.

Chairman.

Incl. S-88.

Register.

COPY.

Cherokee Freedman
D-14 et al.

Muskogee, Indian Territory, January 24, 1905.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted record of proceedings had in the matter of the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Midleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John F. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kenner Lampton, Thomas W. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Lizzie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley [illegible], Fred J. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary [illegible],

Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Emma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Beckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Nasir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Hunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Evans, Fannie Goldsby, Eugene Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by intermarriage, including the Commission's decision dated January 19, 1905, rejecting said applications.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Incl. K-6.
Through the
Commissioner of Indian Affairs.

COPY.

Cherokee Freedmen
D-14 et al.

Muskogee, Indian Territory, January 26, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary McMillan, Frances Melton, John Watson, Mary Jane Vann, Thomas Love, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Martin, Nellie Fields, John Kirbe, William S. Hudson, Jane Penn, Albert T. Thomas, Mary Campbell, Caroline Daniels, McKinzie Alberty, Jane Harris, Alexander Chappell, Thomas Martin, Silas Martin, John M. Barnes, Bell Jones, Russell Byrum, Everett T. Vaheen, Jack McConnell, Mamie Kepler, George Reed, Sr., Frank Lehman, Bell Thompson, Lewis Scott, Abe Scott, Kershaw Lampton, Thomas T. Allen, Lewis Vanderford, John T. Boykin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Abel Johnson, Martha Vann, John Scott, Nancy Rose, Charles C. Smith, Susie Gilbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Minnie Vann, Franklin Lowery, Lucy

Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Rook, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dunn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hamilrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Madison, Sarah Rogers, Abraham Ballard, Laura David, John Deadman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Blair, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Ison Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lott, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Golsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Kilen Sheppard and Lula Melton, as Cherokee citizens by intermarriage.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the

[redacted] necessary will be made known to you as soon as the Committee is informed of the vote.

[redacted]fully,

(SIGNED). Tams Bixby.
[redacted]

Encl. Ltr.

COPY.

Cherokee Freedman
D-205 et al.

Muskogee, Indian Territory, January 24, 1905.

Edgar Smith,
Attorney for Jane Bean et al.,
Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting, among others, the applications for the enrollment of Jane Bean, Albert T. Thomas, Melvina Alberty, Alexander Claggett, Amanda Martin, Maud Manley, Katie Davis, Charles Williams, John J. Rose, Alex Johnson, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Mahalay Ward, Millie Robinson, Frances Martin, Mary Riley, Samuel Irven, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Ida Adair, Robert Brown, Isam Jones, Alice Gunter, Katie Adair, Susan Daniels, and Levi Stroud as Cherokee citizens by intermarriage.

The decision, together with the record of proceedings had in the case, was this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Encl. L-122.
Register.

DEPARTMENT OF THE INTERIOR,

Refer in reply to the following: Land. 7908-1905.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, March 20, 1905.

The Honorable,

The Secretary of the Interior,

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 24, 1905, transmitting the record of the application for enrollment as Cherokee citizens by intermarriage to Cherokee freedmen by William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Wallie Fields, John Kimbo, William R. Madden, Jane Rowe, Albert T. Thomas, Mary Campbell, Caroline Dandels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John H. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Wade Manley, George Reed, Sr., Buck Lehman, Bell Thompson, Lewis Scott, Abe Scott, Xenier Langton, Thomas H. Allen, Lewis Vanderford, John L. Boulin, Katie Davis, Charles Williams, John T. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Henry Rowe, Charles G. Smith, Susie Colbert, William Sanders, Wade Johnson, Alfred P. Hopkins, Elzada Vann, Freddie Looney, Lucy Chouteau,

Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary E. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Haselrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Parry, Isaac Walsh, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lott, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Simon Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard, and Lula Walton.

January 19, 1905, the Commission decided adversely to all the applicants.

The record shows that none of the applicants makes claim to enrollment as citizens of the Cherokee Nation, except by intermarriage with a Cherokee Freedman; that none has ever been enrolled or admitted to citizenship by any tribal authority of the Cherokee Nation or by any United States tribunal and that none is identified

on the 1880 authenticated Cherokee roll.

In view of the record and of the ruling of the Department of November 12, 1904 (I. T. D. 8648-1904) in the Lemuel Welcome case, the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

W.M.W.
W.

(C O P Y)

D. C. 20877-1905
I.T.D. 1904-1905

W.C.F.
F W S

L . .

DEPARTMENT OF THE IN ERIOR

WAS IN TON.

April 17, 1906.

Commis ion to the -ive Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

January 24, 1905, you transmitted the record in the ma ter of the applications for the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation, including your decision of January 19, 1905, rejecting said a plicat ons viz:

William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Wayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kirbo, William S. Madden, Jane Bean, Albert F. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes Bill Davis, Samuel Brown Howard F. Watson, Jack McConnell, Claude Manley , George Reed Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Rowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert

William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Tayler, Henry Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Du mean Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French , Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers , Abraham Ballard, Laura David, John Deckman, James B. Parry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Andersen Turk, David Lane, Felix M cClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton .

Reporting in the matter March 21, 1905, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Thos. Ryan
Acting Secretary

1 inclosure

COPY.

Cherokee Freedmen

R-106.

Muskogee, Indian Territory, April 20, 1905.

Katie Adair,

Fort Gibson, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED) Tams Bixby
Chairman.

COPY

Cherokee Freedmen

R-106.

Muskogee, Indian Territory, April 28, 1905.

Edgar Smith,

Attorney for Katie Adair,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting, among others, the application for the enrollment of Katie Adair as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

COPY.

Cherokee Freedmen

D-14 , et al

Muskogee, Indian Territory, April 28, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED). Tams Bixby.

Chairman.

COPY.

Cherokee Freedmen
D-14, et al.

Muskogee, Indian Territory, April 28, 1905.

Commissioner in Charge,
Cherokee Land Office,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

COPY.

Cherokee Freedmen

R-106.

Muskogee, Indian Territory, June 5, 1905.

Amos Adair,

Fort Gibson, Indian Territory.

Dear Sir:

The Commission is in receipt, by reference from the Secretary of the Interior, of your letter of May 17, 1905, relative to your enrollment as a Cherokee freedman.

In reply you are advised that the Commission's decision rejecting the application for your enrollment, was affirmed by the Secretary of the Interior on September 20, 1904.

Respectfully,

(SIGNED) T. B. Needles.
Commissioner in Charge.

Muskogee, Indian Territory, April 9, 1906.

Honorable Tams Bixby,

Hotel Raleigh,

Washington, D. C.

Sir:

There is inclosed herewith, prepared for your signature, letter addressed to the Department transmitting motion to have reopened the Cherokee freedmen enrollment case of Amos Adair, et al., and the reply of the Cherokee Nation.

If the letter as prepared meets with your approval please return, after attaching your signature thereto, one of the ribbon copies in order that a letter press copy of same may be made.

Respectfully,

Incl. S-24

Acting Commissioner.

Muskogee, Indian Territory, April 9, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith motion for a rehearing, together with affidavits in support thereof, signed by Amos Adair, Stephen L. Little, George Melton, Calline Chambers and George W. Lynch, in the Cherokee freedmen enrollment case of Amos Adair, et al. A copy of the motion has been served upon the attorneys for the Cherokee Nation. There is also inclosed a reply of the Cherokee Nation and evidence of service of a copy thereof upon the attorneys for applicants is furnished.

The records of this office show that the decision of the Commission to the Five Civilized Tribes, dated July 23, 1904, rejecting the application of Amos Adair for the enrollment of himself and children, Thomas G., Remus, Louis, Catie and Lillian Adair, as Cherokee freedmen, was, on July 28, 1904, forwarded to the Department; that on August 24, 1904 (Land 52191-1904), the Indian Office, in its letter transmitting the Commission's decision to the Department, recommended that the Commission's decision, adverse to the applicants, be approved, and that on

September 2, 1904 (I.T.D. 6840-1904), the Commission's decision was duly approved by the Department. The records of this office further show that the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting, among others, the application of Amos Adair for the enrollment of his wife Katie Adair, as a citizen by intermarriage of the Cherokee Nation, was, on January 24, 1905, forwarded to the Department, and that on April 17, 1905 (I.T.D. 2904-1905), the Commission's decision was affirmed by the Department.

The motion states that "now believing that he (the principal applicant), has testimony which during the pendency of said application he was unable to obtain that will establish the fact that his said application should be acted upon favorably and thus permit the enrollment of himself, wife and five (5) children as petitioned for." It is merely stated by the parties whose affidavits are offered that the principal applicant, Amos Adair, returned to the Cherokee Nation after the war of the rebellion in 1866.

The Cherokee Nation gives four reasons for objecting to the reopening of this case: First, That the motion and the affidavits accompanying it do not show any diligence on behalf of the applicant; Second, The record in the case shows that it

is without merit; Third, That Amos Adair was denied recognition as a citizen of the Cherokee Nation by the Supreme Court of that Nation on June 12, 1871, and Fourth, The applicant is identified on no roll of the Cherokee Nation.

The testimony submitted by Amos Adair in support of his application for the enrollment of himself and family is very contradictory. There is nothing in the motion for a rehearing explaining the applicant's failure to produce the parties to these affidavits at the time of the original hearing, or show that with due diligence the evidence could not have been discovered prior to the hearing.

Amos Adair was denied admission to citizenship in the Cherokee Nation by the Supreme Court of that Nation on June 12, 1871. On October 5, 1905 (I.T.D. 7658-1904, 13208-1905), the Assistant Attorney General rendered an opinion, approved, in the Cherokee freedmen enrollment case of Harry Still in which it is stated that the action by the Supreme Court of the Cherokee Nation is to be considered "as evidence of great cogency, to be followed unless it appear that fraud was practiced upon the Court, or that the evidence then before the Court and that now available before the Commission show that the conclusion of the Court upon the case, for fraud or lack of evidence then available, was clearly wrong," and that said decision "should not be over-

turned or disregarded at this later time unless shown to be vitiated by fraud or clear evidence that it was erroneous."

No charge is made in the motion that fraud was practiced upon the Supreme Court of the Cherokee Nation in 1871, and there is no clear evidence that the decision of the Court was erroneous. For the reasons herein stated, it is respectfully recommended that the motion be denied.

The records of this office show that the only right to enrollment as a freedman citizen of the Cherokee Nation claimed for Katie Adair is by reason of her marriage to Amos Adair. In an approved opinion of the Assistant Attorney General of November 12, 1904 (I.T.D. 5848,11776-1904), it is held that colored persons cannot acquire citizenship in the Cherokee Nation by reason of their intermarriage with freedmen citizens. The motion should in any event be denied as to the applicant's wife Katie Adair.

Respectfully,

Incl. S-8

Commissioner.

Through the

Commissioner of Indian Affairs.

(COPY)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

LAND
60141--1904.
32550--1906.

August 28, 1906.

C O P Y

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of September 2, 1904, (I.T.D.6840-1904), I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes, dated April 9, 1906, enclosing a motion for rehearing in Cherokee freedman enrollment case of Ames Adair, et al., and reply thereto by the attorneys of the Cherokee Nation.

The record in the case is enclosed herewith.

Very respectfully,

F. E. Leupp.

Commissioner.

EWR-LC..

Cherokee Freedmen
R 106

Muskogee, Indian Territory, August 30, 1906

Starr & Patten,.

Attorneys for Amos Adair et al.

Vinita, Indian Territory.

Gentlemen:

~~This office is in receipt, on June 25, 1906,~~ of a motion made by you for a rehearing in the Cherokee freedmen enrollment case of Amos Adair et al.

Said motion will receive the proper consideration of this office and be transmitted to the Department for action thereon at the earliest practicable date of which you will be promptly advised.

Respectfully,

L M B

Acting Commissioner

J.P.

DEPARTMENT OF THE INTERIOR, LLB

WASHINGTON.

I.T.D.15372-1906. September 7, 1906.

LRS

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

With letter of April 9, 1906, you submitted a motion for rehearing in the Cherokee freedman case of Amos Adair et al., in which case the Department September 2, 1904, and April 17, 1905, affirmed decisions of the Commission to the Five Civilized Tribes adverse to the claimants.

The original testimony was contradictory and very unsatisfactory.

The affidavits in support of the motion are not deemed sufficient to warrant a rehearing. They do not go into sufficient detail, but even if such general allegations as contained therein could be accepted for the purpose intended, the Department would not order a rehearing, as it appears from the certificate of your office attached to the answer by the attorneys of the nation to the motion that the supreme court of the nation in 1871 rejected the principal applicant's claim for recognition as a citizen of the Cherokee Nation, which fact the motion ignores.

The Department concurring in your recommendation, the motion

is denied.

A copy of Indian Office letter of August 28, 1906, submitting your report, is inclosed.

Respectfully,

(Signed) Jesse E. Wilson

Assistant Secretary

1 inclosure.

Cherokee Freedmen

R-106.

Muskogee, Indian Territory, September 24, 1906.

Amos Adair,

Fort Gibson, Indian Territory.

Dear Sir:

You are hereby advised that the motion filed for a rehearing in your Cherokee freedmen enrollment case was denied by the Department September 7, 1906.

Respectfully,

LS

Commissioner.

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen

R-106.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, September 24, 1906.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the motion filed by the attorneys for applicants for a rehearing in the Cherokee freedman enrollment case of Amos Adair, et al., was denied by the Department September 7, 1906.

For your information, there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Incl. S-4
LS

Cherokee Freedman

R-106.

Muskogee, Indian Territory, September 24, 1906.

Martin & Gidney,

Attorneys for Amos Adair, et al.,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the motion filed by you for a rehearing in the Cherokee freedman enrollment case of Amos Adair, et al., was denied by the Department on September 7, 1906.

For your information, there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

Incl. S-3
LS

Commissioner.

Muskogee, Indian Territory, October 8, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a motion made by Starr & Patten, of Vinita, Indian Territory, for a rehearing in the Cherokee freedmen case of Amos Adair, et al. This motion was filed with this office June 25, 1906, and evidence of service of a copy thereof on the attorney for the Cherokee Nation is furnished. The reply to said motion by the attorney for the Cherokee Nation, filed July 26, 1906, is also inclosed herewith. With their letter of September 28, 1906, attorneys for applicants transmitted affidavits by Amos Adair, George Melton and Stephen Little, which they request be filed with and made a part of their motion for a rehearing in the case, and with their letter of September 29, 1906, they transmitted a motion to strike from the record in the case certain testimony taken in connection with the Cherokee freedman case of Mary Sanders, which was attached to the reply of the attorney for the Cherokee Nation.

The decision of the Commission to the Five Civilized Tribes, dated July 23, 1904, rejecting the application of Amos Adair for the enrollment of himself and children, Thomas G., Remus, Louis, Oatie and Lillian Adair, as Cherokee freedmen, was affirmed by the Department September 2, 1904 (I.T.D. 6840-1904). September 7, 1906 (I.T.D. 15372-1906), the Department denied a motion for a rehearing in this case.

The motion for rehearing in this case states that the applicants have "newly discovered evidence which is evidence of which they had no knowledge at the time of the former hearing of this cause," and the attorneys ask time within which to file "a supplemental motion for a rehearing and affidavits attached thereto in support of this motion." The motion in this case which was denied by the Department September 7, 1906, was supported by the affidavits of, among others, Amos Adair, Stephen L. Little and George Melton, the same persons who are parties to the affidavits in support of the motion transmitted herewith.

There appears to be nothing material to the inclosed motion which has not heretofore been considered by the Department, and as sufficient grounds are not presented showing why a rehearing in this case should be had, it is respectfully

recommended that the motion be denied.

Respectfully,

Irel. S-1
LS

Commissioner.

Through the

Commissioner of Indian Affairs.

Cherokee Freedmen

R-106.

Muskogee, Indian Territory, October 8, 1906.

Starr & Patten,

Attorneys for Amos Adair, et al.,

Vinita, Indian Territory.

Gentlemen:

You are advised that your motion for a rehearing in the Cherokee freedmen case of Amos Adair, et al., has this day been transmitted to the Secretary of the Interior for his review and decision.

Respectfully,

LS

Commissioner.

D.C.47125

DEPARTMENT OF THE INTERIOR, LLB

I.TD21130-1906. WASHINGTON. October 25, 1906 Y.P.

L.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

A motion for rehearing in the Cherokee freedman case of Amos Adair et al., received with your letter of October 8, 1906, and Indian Office letter of October 18, 1906, is denied.

A former motion was dismissed by departmental letter of September 7, 1906. One of the reasons, and a very material one, for such action was that it appeared that the supreme court of the Cherokee Nation in 1871 rejected the principal applicant's claim for recognition as a citizen of the nation, which fact the motion ignored.

The present motion is defective in the same particular.

The papers received with the Indian Office letter have been returned to it. A copy of its letter of October 18, 1906, is inclosed.

Respectfully,

(Signed) E. A. Hitchcock,

Secretary.

Through the Commissioner
of Indian Affairs.

1 inc. and 8 to Ind. Of.

Cherokee Freedman
R 106

Muskogee, Indian Territory, October 31, 1906.

Starr & Patten,
Attorneys for Amos Adair, et al.,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that your motion filed June 25, 1906, for a rehearing in the Cherokee freedmen case of Amos Adair, et al., was denied by the Department October 25, 1906.

For your information there is enclosed a copy of the Department's decision.

Respectfully,

Commissioner.

Incl.P-10
MMP

Cherokee Freedmen
R 106

Muskogee, Indian Territory, October 31, 1906.

Amos Adair,
Fort Gibson, Indian Territory.

Dear Sir:

You are advised that a motion filed by your attorneys June 25, 1906, for a rehearing in your Cherokee freedman case was denied by the Department October 25, 1906.

Respectfully,

Commissioner.

WMP

REFER IN REPLY TO THE FOLLOWING:

Cherokee Freedman
R 106

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 31, 1906.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is enclosed for your information a copy of Departmental decision of October 25, 1906, denying the motion for a rehearing in the Cherokee freedmen case of Amos Adair, et al.

Respectfully,

Commissioner.

Incl.P-11
MMP

CHEROKEE FREEDMAN

CHEROKEE FREEDMAN

IN THE MATTER OF THE APPLICATION

Lucy Adair

FOR ENROLLMENT AS

CHEROKEE FREEDMAN

Original testimony June 1, 1901

Memo. of Application, June 1, 1901.

Receipt for testimony

STARR & PATTEN

ATTORNEYS AT LAW

ROOMS 4, 5 & 6 LEADER BLDG.

VINITA, I. T.



Arthur Pelletier

Cher. Fr. R-107

Cher. Fr. R-107

RENEWED, as to wife, Carrie.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., June 3,1901.

In the matter of the application of William H. Martin for the enrollment of himself, wife as intermarried, and three children, all as Cherokee freedmen; being sworn and examined by Commissioner Needles, he testified as follows:

Q What is your name? A William H. Martin.
Q How old are you? A I don't know exactly, somewhere about 25.
Q What is your post-office address? A Coffeyville and Elliott.
Q Which one? A Coffeyville generally.
Q What district do you live in? A Cooweescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Do you desire to enroll anybody besides yourself? A Me and my family.
Q How much family have you got? A Wife and three children.
Q What is the name of your wife? A Carrie Martin.
Q What are the names of your children? A Captola.
Q How old is Captola? A Five years old I think in December.
Q Next child? A Amanda Martin.
Q How old is Amanda? A Amanda will be three years old in February.
Q Next child? A Charles Albert Martin.
Q How old is Charles Albert? A About 15 months old.
Q Is your wife a citizen? A She is a United States citizen.
Q When were you married to her? A We was married about four years ago; we have been together ever since 1894.
Q You married four years ago? A Yes sir.
Q That would be about 1897? A Yes sir, '96 or '97.
Q Have you any certificate of marriage? A No sir.
Q Who married you? A Preacher named Pool.
Q Is he living? A I couldn't tell you.

Henry Look, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Henry Look.
Q How old are you? A About 31.
Q What is your post-office? A Nowata.
Q You know William H. Martin? A Yes sir.
Q You know his wife, Carrie? A Yes sir.
Q You know whether they were married or not? A Yes sir.
Q How do you know? A I seen them when they was married.
Q Who married them? A Minister named Pool.
Q Have they been living together as man and wife since that time to your knowledge? A Yes sir.
Q Have they any children? A Yes sir.
Q How many? A They have got three.
Q You know their names? A The oldest one is named Captola.
Q Next one Amanda? A Yes sir.
Q What is the youngest named? A Charles Albert.
Q Was Captola born while they were living together as man and wife after they were married? A I don't know sir, no sir, I don't know sir.
Q You know they were married and you saw them married, do you know when that was? A Yes sir.
Q About how long ago? A It was, I don't know sir, I have a record of it, I was married at the same time, but I can't remember whatever it was.

Applicant, WILLIAM H. MARTIN, re-called and further examined, By Commissioner Needles:

Q Mr. Martin, Captola was born before you married your wife? A Yes sir.

Q Were you living with her as man and wife at that time? A Yes sir.
Q How long did you live with her before you were married? A I guess we was together a couple or three years before we married.

Witness, HENRY LEEK, re-called and further examined, by Commissioner Needles:

Q Did you know William Martin and his wife before they were married? A Yes sir.
Q You know whether they were living together as man and wife? A She was at his house all the time; that's where I got acquainted with her.
Q Was he keeping house? A Yes sir.
Q Had he been married before? A I don't know sir.
Q She was at his house? A Yes sir.

Applicant, WILLIAM MARTIN, re-called and further examined, By Commissioner Needles:

Q Were you ever married before? A No sir.
Q Were you keeping house with Carrie? A Yes sir.
Q You were keeping house together? A Yes sir.
Q Was your wife ever married before? A No sir.
Q Are these children all living at this time? A Yes sir.
Q You know Mary Ann Leek? A Yes sir.
Q What relation is she to you? A My sister.
Q Where were you born? A I couldn't tell you, ever since I can recollect I have been in the nation here; I was on Grand River.
Q Have you always lived in the Cherokee nation ever since you can recollect? A Yes sir.

Examined by Cherokee Representative, W.W.Hastings:

Q Where did your father tell you you were born? A He never have told me yet to my knowing it.
Q Did your mother never tell you where you were born? A No sir not my mother.
Q Well did any of your folks, your family, tell you where you were born? A My sister have.
Q Well what did she tell you? A I was born in Kansas.
Q Which one of your sisters? A My eldest sister.
Q What was her name? A Mary Ann Leek; I have been here ever since I can recollect.

1880 authenticated roll of citizens of the Cherokee Nation examined for applicant and name not found;
1896 census roll of citizens of the Cherokee Nation examined and applicants not identified thereon.

Kerns-Clifton May roll of citizens of the Cherokee Nation examined and applicants identified on page 170 [illegible] Will Martin, Goowescoowee District.

Wallace roll of citizens of the Cherokee Nation examined and applicant identified as follows:
Page [illegible] W. H. Martin, Goowescoowee District.

Q You never drew any money for your wife? A No sir.
Q Where was your wife born? A I couldn't tell you.
Q How old is [illegible] A [illegible]

William H. Martin et al 3

Examined by Cherokee Representative, W.W.Hastings:

Q Your wife have any children before this oldest child was born?
A No sir.

Com'r Needles: William H. Martin applies for the enrollment of himself, his wife Carrie, applying for himself as a Cherokee Freedman and for his wife as a Cherokee Freedman by intermarriage; his name is not found upon the authenticated roll of 1880 or the census roll of 1896; he is duly identified upon the Dawes-Clifton and the Wallace rolls; he avers that he was married to his wife, Carrie, in the year 1897; he avers that by his wife he has three children, Captola, five years old who was born before he married his wife; his two younger children, Amanda and Charles A., were born after his marriage; he presents no certificate of marriage, but makes satisfactory proof of same; he avers that he was living with his wife as man and wife when his oldest child, Captola was born; they are all duly identified and make satisfactory proof as to residence; he avers that he is a brother of Mary Ann Leek, and the son of David and Jane Martin; Mary Ann Leek was duly listed for enrollment on Cherokee Freedman doubtful card 485 and the testimony taken in said case will be made part of the testimony in the case of the applicant, and copies thereof will be filed with the testimony now being taken; William H. Martin will be duly listed for enrollment as a Cherokee Freedman upon a doubtful card; his three children enumerated herein will also be listed for enrollment as Cherokee Freedmen on a doubtful card; it will be necessary for him to make satisfactory proof as to the birth of said children, their names not appearing upon any of the rolls;

By reason of the fact that he was not married until 1897 too late under the laws of the Cherokee Nation for intermarried citizens to acquire any rights by intermarriage, the application for the enrollment of his wife, Carrie, will be rejected, - and attention is called to the fact of the birth of the oldest child before his legal marriage, although the testimony shows that he lived with his wife Carrie at his own residence when the said child Captola was born.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this June 8th, 1901.

Commissioner.

Department of the Interior.

Commission to the Five Civilized Tribes.

In the matter of the application for enrollment of William Davis, etc., as citizens by intermarriage of the Cherokee Nation, consolidating the applications of:

William Davis,	Cherokee Freedmen D— 14,
Henry Thomas,	Cherokee Freedmen D— 66,
Ella Vann,	Cherokee Freedmen D— 70,
Mary Markham,	Cherokee Freedmen D— 109,
Frances Melton,	Cherokee Freedmen D— 110,
John Dotson,	Cherokee Freedmen D— 111,
Mary Jane Vann,	Cherokee Freedmen D— 112,
Thomas Lowe,	Cherokee Freedmen D— 119,
Ella Mayfield,	Cherokee Freedmen D— 134,
Sallie Rider,	Cherokee Freedmen D— 147,
Reuben Campbell,	Cherokee Freedmen D— 160,
Van Jackson Luther,	Cherokee Freedmen D— 174,
Gracie Midkeeff,	Cherokee Freedmen D— 178,
Mary Harlin,	Cherokee Freedmen D— 179,
Nellie Fields,	Cherokee Freedmen D— 185,
John Kimbo,	Cherokee Freedmen D— 186,
William S. Madden,	Cherokee Freedmen D— 196,
Jane Bean,	Cherokee Freedmen D— 200,
Albert T. Thomas,	Cherokee Freedmen D— 210,
Mary Campbell,	Cherokee Freedmen D— 219,
Caroline Daniels,	Cherokee Freedmen D— 221,
Melvina Atterry,	Cherokee Freedmen D— 228,
Dave Morris,	Cherokee Freedmen D— 230,
Alexander Claggett,	Cherokee Freedmen D— 233,
Almeda Martin,	Cherokee Freedmen D— 234,
Elsie Martin,	Cherokee Freedmen D— 235,
John E. Barnes,	Cherokee Freedmen D— 313,
Bob Davis,	Cherokee Freedmen D— 314,
Samuel Brown,	Cherokee Freedmen D— 315,
Howard Ivy Watson,	Cherokee Freedmen D— 316,
Jack McConnell,	Cherokee Freedmen D— 317,
Minnie Maney,	Cherokee Freedmen D— 318,

George Reed, Sr.,	Cherokee Freedmen D—382,
Buck Ledman,	Cherokee Freedmen D—406,
Bell Thompson,	Cherokee Freedmen D—411,
Lewis Scott,	Cherokee Freedmen D—420,
Abe Scott,	Cherokee Freedmen D—421,
Kender Lampton,	Cherokee Freedmen D—423,
Thomas E. Allen,	Cherokee Freedmen D—424,
Lewis Vanderford,	Cherokee Freedmen D—426,
John L. Bowlin,	Cherokee Freedmen D—444,
Katie Davis,	Cherokee Freedmen D—455,
Charles Williams,	Cherokee Freedmen D—473,
John J. Rose,	Cherokee Freedmen D—474,
Jane Martin,	Cherokee Freedmen D—486,
Lena Peterson,	Cherokee Freedmen D—490,
Alex Johnson,	Cherokee Freedmen D—493,
Martha Vann,	Cherokee Freedmen D—495,
John Scott,	Cherokee Freedmen D—501,
Nancy Ross,	Cherokee Freedmen D—513,
Charles C. Smith,	Cherokee Freedmen D—514,
Susie Colbert,	Cherokee Freedmen D—520,
William Skaggs,	Cherokee Freedmen D—545,
Susie Johnson,	Cherokee Freedmen D—546,
Alfred P. Hopkins,	Cherokee Freedmen D—550,
Kizzie Vann,	Cherokee Freedmen D—552,
Freddie Looney,	Cherokee Freedmen D—573,
Lucy Chouteau,	Cherokee Freedmen D—584,
Alice Durant,	Cherokee Freedmen D—588,
Mahaley Ward,	Cherokee Freedmen D—608,
Fred D. Thomas,	Cherokee Freedmen D—650,
Bettie Beck,	Cherokee Freedmen D—665,
Ellie Warren,	Cherokee Freedmen D—667,
Millie Robinson,	Cherokee Freedmen D—674,
Mary Webber,	Cherokee Freedmen D—691,
Frances Martin,	Cherokee Freedmen D—692,
Mary Riley,	Cherokee Freedmen D—696,
Emanuel Taylor,	Cherokee Freedmen D—699,
Henry Sykes,	Cherokee Freedmen D—733,
Larkin P. Powell,	Cherokee Freedmen D—735,
Stepney Dawn,	Cherokee Freedmen D—736,
Malinda Vann,	Cherokee Freedmen D—741,
Frances Johnson,	Cherokee Freedmen D—742,
Annie Foster,	Cherokee Freedmen D—743,
Mary H. Rogers,	Cherokee Freedmen D—752,
George Washington Lane,	Cherokee Freedmen D—758,
Jane Brown,	Cherokee Freedmen D—760,

Samuel L. Young,
John Buckner,
Willie Cox,
Leonard Bowles,
Malinda Murrell,
Charles Claggett,
Samuel Irrent,
Mary Rose,
Maggie Nave,
Neoma Nave,
Ella Rose,
Elizabeth Duncan,
Sadie Adams,
Georgetian Archer,
John Claggett,
Hattie Smith,
Jack Jackson,
Lula Sanders,
George Hamsig,
Lizzie West,
Marie French,
Mary Johnson,
Maggie Vann,
William Hudson,
Sarah Rogers,
Abraham Ballard,
Laura David,
John Dockman,
James R. Parry,
Isaac Webb,
Lawson Logan,
George Howell,
Henry Masir,
George Adams,
Annie Thomas,
Louis McConnell,
Callie Vann,
Lon Peters,
Ida Adair,
Robert Brown,
Allie Chambers,
Adam Jones,
Alice Gunter,
Katie Adair,
Carrie Martin,

Cherokee Freedmen D—761,
Cherokee Freedmen D—780,
Cherokee Freedmen D—781,
Cherokee Freedmen D—782,
Cherokee Freedmen D—783,
Cherokee Freedmen D—796,
Cherokee Freedmen D—798,
Cherokee Freedmen D—799,
Cherokee Freedmen D—802,
Cherokee Freedmen D—816,
Cherokee Freedmen D—840,
Cherokee Freedmen D—871,
Cherokee Freedmen D—880,
Cherokee Freedmen D—901,
Cherokee Freedmen D—912,
Cherokee Freedmen D—923,
Cherokee Freedmen D—938,
Cherokee Freedmen D—973,
Cherokee Freedmen D—987,
Cherokee Freedmen D—990,
Cherokee Freedmen D—1010,
Cherokee Freedmen D—1039,
Cherokee Freedmen D—1061,
Cherokee Freedmen D—1067,
Cherokee Freedmen D—1078,
Cherokee Freedmen D—1082,
Cherokee Freedmen D—1085,
Cherokee Freedmen D—1105,
Cherokee Freedmen R—39,
Cherokee Freedmen R—45,
Cherokee Freedmen R—48,
Cherokee Freedmen R—56,
Cherokee Freedmen R—78,
Cherokee Freedmen R—82,
Cherokee Freedmen R—83,
Cherokee Freedmen R—86,
Cherokee Freedmen R—94,
Cherokee Freedmen R—96,
Cherokee Freedmen R—99,
Cherokee Freedmen R—100,
Cherokee Freedmen R—103,
Cherokee Freedmen R—104,
Cherokee Freedmen R—105,
Cherokee Freedmen R—106,
Cherokee Freedmen R—107,

Benjamin Clark,	Cherokee Freedmen R—108,
Emily Looney,	Cherokee Freedmen R—110,
John Groves,	Cherokee Freedmen R—112,
Matilda McNair,	Cherokee Freedmen R—117,
Bettie Vann,	Cherokee Freedmen R—122,
Nelson Lott,	Cherokee Freedmen R—125,
Fannie Rogers,	Cherokee Freedmen R—129,
William Washington,	Cherokee Freedmen R—131,
Squire Warren Owens,	Cherokee Freedmen R—143,
Fannie Goldsby,	Cherokee Freedmen R—144,
Susan Daniels,	Cherokee Freedmen R—146,
Anderson Turle,	Cherokee Freedmen R—148,
David Lane,	Cherokee Freedmen R—155,
Felix McClain,	Cherokee Freedmen R—165,
Henderson James,	Cherokee Freedmen R—173,
Belle Vanny,	Cherokee Freedmen R—181,
Levi Stroud,	Cherokee Freedmen R—196,
John Sumpter,	Cherokee Freedmen R—311,
Mariah Thompson,	Cherokee Freedmen R—330,
Ellen Sheppard,	Cherokee Freedmen R—337,
Lula Melton,	Cherokee Freedmen R—347.

C.T.R. 107

DECISION.

It appears from the record herein that applications for enrollment as Cherokee citizens by intermarriage, were made to this Commission by William Davis for himself; by Hannah Thomas for her husband, Henry Thomas; by Jim Vann for his wife, Ella Vann; by Sig Markham for his wife, Mary Markham; by Nathan Melton for his wife, Frances Melton; by Mary Dotson for her husband, John Dotson; by George W. Vann for his wife, Mary Jane Vann; by Thomas Lowe for himself; by Thomas Mayfield for his wife, Ella Mayfield; by James Rider for his wife, Sallie Rider; by Reuben Campbell for himself; by Van Jackson Luther for himself; by Tobe Midleton for his wife, Cassie Midleton; by Thomas Harlin for his wife, Mary Harlin; by John Fields for his wife, Nellie Fields; by John Kimbo for himself; by William K. Maddew for himself; by Tobias Bean for his wife, Jane Bean; by Etta Thomas for her husband, Albert T. Thomas; by James Campbell for his wife, Mary Campbell; by Frank Daniels for his wife, Caroline Daniels; by Jim Alberty for his daughter-in-law, Melvina Alberty; by Sarah Morris for her husband, Dave Morris; by Jane Claggett for her husband, Alexander Claggett; by Payton Martin for his wife, Amanda Martin; by Charles Martin for his wife, Eliza Martin; by John E. Barnes for himself; by Joe Davis for his wife, Bell Davis; by Ellen Brown for her husband, Samuel Brown; by Mary Ann Watson for her husband, Howard F. Watson; by Jack McConnell for himself; by Maude Manley for herself; by George Reed, Sr., for himself; by Buck Ledman for himself; by Bell Thompson for herself; by Lewis Scott for himself; by Abe Scott for

himself; by Kender Lampton for himself; by Thomas E. Allen for himself; by Lewis Vanderford for himself; by Elizabeth Bowlin for her husband, John L. Bowlin; by John D. Davis for his wife, Katie Davis; by Charles Williams for himself; by John J. Rose for himself; by David Martin for his wife, Jane Martin; by Fred Peterson for his wife, Lena Peterson; by Mariah Johnson for her husband, Alex Johnson; by Joseph Vann for his wife, Martha Vann; by John Scott for himself; by Steve Looney for Nancy Ross; by Charles C. Smith for himself; by James Colbert for his wife, Susie Colbert; by Rosanna Skaggs for her husband, William Skaggs; by Susie Johnson for herself; by Alfred P. Hopkins for himself; by Charles Vann for his wife, Kizzie Vann; by Jake Looney for his wife, Freddie Looney; by Lucy Chouteau for herself; by Alice Durant for herself; by Alonzo Ward for his wife, Mahaley Ward; by Fred D. Thomas for himself; by Benjamin Beck for his wife, Bettie Beck; by Ellis Warren for himself; by William Henry Robinson for his wife, Millie Robinson; by Josh Webber for his wife, Mary Webber; by Otto Martin for his wife, Frances Martin; by Ed Riley for his wife, Mary Riley; by Emanuel Taylor for himself; by Henry Sykes for himself; by Larkin P. Powell for himself; by Stepney Dawn for himself; by Ellis Vann for his wife, Malinda Vann; by David Johnson for his wife, Frances Johnson; by Phillip Foster for his wife, Annie Foster; by Houston Rogers, Jr., for his wife, Mary H. Rogers; by George Washington Lane for himself; by Silas Hammer Brown for his wife, Jane Brown; by Samuel L. Young for himself; by Lizzie Buckner for her husband, John Buckner; by Sarah Cox for her husband, Willis Cox; by Susan Bowles for her husband, Leonard Bowles; by Henry Murrell for his wife, Malinda Murrell; by Charles Claggett for himself; by Samuel Irven for himself; by David Rose for his wife, Mary Rose; by George F. Nave for his wife, Maggie Nave; by Lewis Armstead Nave for his wife Neoma Nave; by Perry Ross for his wife, Ella Ross; by Elizabeth Duncan for herself; by Perry Adams for his wife, Sadie Adams; by Thomas Archer for his wife, Georgeann Archer; by Nancy Claggett for her husband, John Claggett; by Sonny Smith for his wife, Hattie Smith; by Jack Jackson for himself; by John Sanders for his wife, Lula Sanders; by Mary Hazelrig for her husband, George Hazelrig; by George West for his wife, Lizzie West; by Maria French for herself; by Mary Johnson for herself; by Maggie Vann for herself; by William Hudson for himself; by Sarah Rogers for herself; by Abraham Ballard for himself; by King David for his wife, Laura David; by John Deckman for himself; by James B. Perry for himself; by Isaac Welch for himself; by Nancy Logan for her husband, Lawson Logan; by Maria Howell for her husband, George Howell; by Amanda Masir for her husband, Henry Masir; by Katie Adams for her husband, George Adams; by Willie Thomas for his wife, Annie Thomas; by Lewis McConnell for himself; by Josh Vann for his wife, Callie Vann; by Lou Peters for herself; by Robert Adair for his wife, Ida Adair; by Josie Beavn for her husband, Robert Brown; by Mat Chambers for his wife, Allie Chambers; by Rachel Jones for her husband, Isom Jones; by Lewis Gunter for his wife, Alice Gunter; by Amos Adair for his wife, Katie Adair; by William H. Martin for his wife, Carrie Martin; by Benjamin Clark for himself; by Emily Looney for herself; by Mary Groves for her husband, John Groves; by Butler McNair for his wife, Matilda McNair; by Bettie Vann for herself; by Nelson Lett for himself; by Allen Rogers for his wife, Fannie Rogers; by William Washington for himself; by Squire Warren Owens for himself; by Fannie Goldsby for herself; by Charles Daniels for his wife, Susan Daniels; by Rachel Turk for her husband, Anderson Turk; by David Lane for himself; by Felix McClain for himself; by Henderson Jones for himself; by Isaac Vann for his wife, Belle Vann; by Maggie Stroud for her husband, Levi Stroud; by John Sumpter for himself; by Mariah Thompson for herself; by Ellen Sheppard for herself; and by Lula Melton for herself, claiming their right thereto by virtue of their marriage to Freedmen Cherokee citizens.

The record further shows that none of the applicants herein make any claim to enrollment as citizens of the Cherokee Nation other than as set forth above.

It further appears from the record herein that at the time applications were made for the enrollment of the above named applicants, application was also made for the enrollment of other applicants as Cherokee Freedmen, but said applications being differently classified are not included in this decision.

It does not appear that any of the applicants herein are identified upon the 1880 Authenticated Cherokee Roll, nor does it appear that any of said applicants has ever been admitted to Cherokee citizenship by a duly constituted court or committee of the Cherokee Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321).

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Lemuel Welcome, (I. T. D. 5848-1904, 11,776-1904), the applications made for the enrollment of William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Midleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Maddell, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Melinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington,

Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by intermarriage, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[SIGNED] TAMS BIXBY,
Chairman.

[SIGNED] T. B. NEEDLES,
Commissioner.

[SIGNED] C. R. BRECKINRIDGE,
Commissioner.

MUSKOGEE, INDIAN TERRITORY, JANUARY 19, 1905.

COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 3 1901

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 3 1901

Post Office Fayetteville Ark

District Cherokee

1. Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

2. Name of wife Harriet Martin Age 22 Ark 89

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

Names of Children: Rejected

3. ..... Year ..... Page ..... No. ..... Dist. .....

4. ..... Year ..... Page ..... No. ..... Dist. .....

5. ..... Year ..... Page ..... No. ..... Dist. .....

6. ..... Year ..... Page ..... No. ..... Dist. .....

7. ..... Year ..... Page ..... No. ..... Dist. .....

8. ..... Year ..... Page ..... No. ..... Dist. .....

9. ..... Year ..... Page ..... No. ..... Dist. .....

10. ..... Year ..... Page ..... No. ..... Dist. .....

11. ..... Year ..... Page ..... No. ..... Dist. .....

12. ..... Year ..... Page ..... No. ..... Dist. .....

Application made by Wm A Martin Stenographer H. D. Green

Copy to card of husband

Cherokee Freedmen
3-16 of 48.

COPY.

Muskogee, Indian Territory, January 24, 1895.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted record of proceedings had in the matter of the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Hutchen, Frances Hutchen, John Jetson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cinnie Hutchen, Lucy Hardin, Nellie Fields, John Kimbo, William S. Hutchen, Tyre Rose, Albert T. Thomas, Mary Campbell, Caroline Hamilton, Katrina Alberty, Dave Curtis, Alexander Cloggett, Amanda Martin, Eliza Martin, John K. Barnes, Bell Doyle, Samuel Drew, Nelson F. Taber, Jack McDonald, Wanda Manley, George Reed, Ira, Mark Lattimore, Dell Thompson, Louis Scott, Ike Scott, Esther Langston, Thomas W. Allen, Lewis Vandeford, John L. Hamlin, Eddie Davis, Charles Williams, Ogie F. Rose, Jane Martin, Lucy Peterson, Ellen Johnson, Martha Vann, Jack Hoyt, Nancy Rhea, Charles C. Smith, Sandy Gulager, William Sharpe, Susie Johnson, Alfred P. Hopkins, Minnie Vann, Tennie Looney, Lucy Shoulder, Alice Jarrett, Lindsey Vann, Tom J. Vann, Bettie Rock, Ellis Farren, Hilliard Robertson, Mary Vann,

Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Leyfie F. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie [illegible], Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. [illegible], John Buckner, Willis Cox, Leonard Bowles, Malinda Harrell, Charley Claggett, Samuel Irven, Mary Ross, Maggie Nave, [illegible], Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hamilrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William [illegible], Sarah Rogers, Abraham Pollard, Laura David, John [illegible], James B. Petty, Isaac Welch, Lawson Logan, George Howell, Henry Muir, George Adams, Annie Thomas, Lewis McDonald, Callie Vann, Lee Peters, Ida Muir, Robert Brown, Allie Chambers, Lena Fenn, Alice Hunter, Katie Blair, Carrie Martin, Benjamin Clark, Sally Lacey, John Groves, Matilda McNair, Bettie Vann, Malsah Nott, Francis Rogers, William Washington, Squire Warren Owens, Francis Goldsby, [illegible] Daniels, Anderson Turk, David Lane, Felix McClain, [illegible] Jones, Nellie Vann, Levi Sigoud, John Hunter, Martha Thompson, Ellen Sheppard and Lula Nelson, as Cherokee citizens by intermarriage, including the Commission's decision dated February 19, 1903, rejecting said applications.

Respectfully,

SIGNED: Tams Bixby.
Chairman.

Encl. K-6.
Through the
Commissioner of Indian Affairs.

COPY.

Cherokee Freedmen
Dkt 14 et al.

Muskogee, Indian Territory, January 26, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting the applications for the enrollment of, William Davis, Emmy Thomas, Ella Vann, Mary Markham, Vanness Melton, John Watson, Mary Jane Mann, Thomas Lowe, Ella Mayfield, Phillip Rider, Reuben Campbell, Van Buchanan Parker, Cassie Middleton, Mary Hamlin, Willie Fields, John Kidd, William C. Watson, Jake Dean, Albert T. Thomas, Mary Campbell, Caroline Reynolds, Pelzina Alberty, Dave Morris, Alexander Chappell, Annie Lewis, Ella Forgey, John F. Barnes, Bell Davis, Samuel Brown, Howard P. Wilkie, Frank McDougall, Annie Manley, George Reed, Sr., Dave Lofton, Bell Thompson, Lewis Cooper, Abe Scott, Pender Langston, Thomas E. Allen, Lewis Vandergrift, John T. Bowlin, Katie Davis, Charles Williams, John F. Dane, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Rose, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Viola Vann, Pryddie Lackey, Lucy

Chouteau, Alice Durant, Wheeley Ward, Fred D. Thomas, Bettie Beak, Ellis Warren, Millie Robinson, Mary Welber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Hans, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Madison, Sarah Rogers, Abraham Ballard, Laura David, John Dockman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Blair, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lee Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Molly Looney, John Groves, Matilda McNair, Hattie Vann, Nelson Lott, Minnie Rogers, William Washington, Squire Warren Owens, Pamela Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Manderetta Jones, Belle Vann, Levi Sarcud, John Sumpter, Mariah Thompson, Miles Sheppard and Lula Melton, as Cherokee citizens by intermarriage.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the

Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED). Jane Dixby.
Chairman.

Incl. K-9.

COPY.

Cherokee Freedmen

R-107.

Muskogee, Indian Territory, January 24, 1906.

Carrie Martin,

Coffeyville, Kansas.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1906, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.

Chairman.

Inclo. 8-89.

Register.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, March 20, 1906.

Refer in reply
to the following:
Land.
7908-1906.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 24, 1906, transmitting the record of the application for enrollment as Cherokee citizens by intermarriage to Cherokee freedmen by William Dewis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Maddux, Jane Ross, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Harris, Alexander Claggett, Amanda Martin, Eliza Martin, John H. Harnes, Bell Dewis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Jr., Buck Lehman, Bell Thompson, Lewis Scott, Ann Scott, Hunter Langston, Thomas H. Allen, Lewis Vanderford, John L. Rowlin, Katie Dewis, Charles Williams, John F. Ross, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Henry Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Minnie Vann, Freddie Looney, Lucy Chouteau,

Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Millie Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Wiley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dunn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Emma Nave, Mila Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Beckman, James M. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Nasir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard, and Lula Melton.

January 19, 1905, the Commission decided adversely to all the applicants.

The record shows that none of the applicants makes claim to enrollment as citizens of the Cherokee Nation, except by intermarriage with a Cherokee Freedman; that none has ever been enrolled or admitted to citizenship by any tribal authority of the Cherokee Nation or by any United States tribunal and that none is

identified on the 1880 authenticated Cherokee roll.

In view of the record and of the ruling of the Department of November 12, 1904 (I. T. D. 1885-1904) in the Leonai Welcome case, the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

E. F. Larrabee

Acting Commissioner.

W.M.M.
W.

(C O P Y)

D. C. 20877-1905
I.T.D. 2904-1906

W.C.F.
F H E

L R S

DEPARTMENT OF THE INTERIOR

WASHINGTON.

April 17, 1905.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

January 24, 1905, you transmitted the record in the matter of the applications for the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation, including your decision of January 19, 1905, rejecting said applications viz:

William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William E. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes Bell Davis, Samuel Brown Howard F. Watson, Jack McConnell, Maude Manley , George Reed Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas H. Allen, Lewis Vanderford, John L. Rowlin, Katie Davis, Charles Williams, John J. Ross, Jane Martin, Lena Peterson, Alex Johnson Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Seibert

William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Hettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Tayler, Henry Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Harrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Du Mean Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French , Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers , Abraham Ballard, Laura David, John Beckman, James B. Perry, Isaac Welsh, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Calli e Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Hettie Vann Nelson Lott, Wannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Andersen Turk, David Lane, Felix M cClain, Henderson Jones, Rolla Vann, Levi Shrewd, John Sumpter, Mariah Thompson, Wilson Sheppard and Lula Walton .

Reporting in the matter March 21, 1905, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Thos. Ryan
Acting Secretary

1 inclosure

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedman
R-107.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 28, 1905.

Carrie Martin,

Coffeyville, Kansas.

Dear Madam:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting, among others, the application for the enrollment of yourself as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

Chairman.

COPY.

Cherokee Freedmen
D-14 , et al

Muskogee, Indian Territory, April 25, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

COPY.

Cherokee Freedmen
D-14, et al.

Muskogee, Indian Territory, April 28, 1905.

Commissioner in Charge,
Cherokee Land Office,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

ENROLLMENT REFUSED.

107

Decision

IN THE MATTER OF THE APPLICATION OF

Carrie Martin

FOR ENROLLMENT AS

CHEROKEE FREEDMEN

Original testimony June 3 '01

Trans. of application " " "

See Cherokee Freedmen Docket

No D 429

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

Un[illegible]





5[illegible]1

Carrie Martin,
Cof[illegible]

REGISTERED

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

MUSKOGEE, IND. T.
APR 28
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1905

PENALTY FOR PRIVATE USE

C.Z.R. 107

MAY 29 1905

Carl Martin,

Coffeyville, Kansas.


COFFEYVILLE KANS
APR 29
1935
RECD


COFFEYVILLE KANS.
FEB 1
RECD

Cher. Fr. R-108

Cher. Fr. R-108

Department of the Interior.
Commission to the Five Civilized Tribes.
Chelsea, I. T., June 3, 1901.

In the matter of the application of Benjamin Clark for enrollment as a Cherokee Freedman by intermarriage; he being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Benjamin Clark.
Q What is your age, Mr. Clark? A About 38.
Q What is your postoffice address? A Coffeyville.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A No sir
Q For whom do you apply? A Myself as an adopted.
Q Do you desire to enroll anybody besides yourself? A No sir, they have been enrolled.
Q You are a United States citizen, are you? A Yes sir.
Q To whom were you married? A To Rose Melton.
Q Is she a Cherokee citizen? A Yes sir.
Q Is your name upon any of the rolls of the Cherokee Nation? A No sir.

The tribal rolls of the Cherokee Nation in possession of the Commission examined and the name of the applicant not found thereon.

Q Did you ever procure a Cherokee license to be married? A No sir, not more than that. (Hands paper to Commissioner.)
Q You weren't married according to the laws of the Cherokee Nation? A No sir.

Benjamin Clark applies to be enrolled as a Cherokee Freedman by intermarriage; his name does not appear upon any of the rolls of the Cherokee Nation; he avers that he was married to one Rose Melton on the 21st day of April, 1897, and presents a certificate of marriage, but presents no marriage license and no proof that he was married according to the laws of the Cherokee Nation. [redacted] Consequently, under the laws of the said nation, applicant will have no rights as a Cherokee Freedman by intermarriage, and the further reason that he wasn't married according to the laws of the Cherokee Nation; consequently the application of Benjamin Clark for the enrollment of himself as an intermarried citizen will be rejected.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 3rd day of June, 1901.

Commissioner.

Department of the Interior.

Commission to the Five Civilized Tribes.

In the matter of the application for enrollment of William Davis, et al., as citizens by intermarriage of the Cherokee Nation, consolidating the applications of:

William Davis,	Cherokee Freedmen D— 12,
Henry Thomas,	Cherokee Freedmen D— 13,
Ella Vann,	Cherokee Freedmen D— 70,
Mary Markham,	Cherokee Freedmen D— 109,
Frances Melton,	Cherokee Freedmen D— 110,
John Polson,	Cherokee Freedmen D— 111,
Mary Jane Vann,	Cherokee Freedmen D— 118,
Thomas Lowe,	Cherokee Freedmen D— 119,
Ella Maytubby,	Cherokee Freedmen D— 120,
Sallie Rider,	Cherokee Freedmen D— 121,
Reuben Campbell,	Cherokee Freedmen D— 122,
Van Jackson Lather,	Cherokee Freedmen D— 123,
Gussie Alberson,	Cherokee Freedmen D— 124,
Mary Harlin,	Cherokee Freedmen D— 125,
Nellie Ficke,	Cherokee Freedmen D— 126,
John Rhoe,	Cherokee Freedmen D— 127,
William Bruton,	Cherokee Freedmen D— 128,
Jake Bean,	Cherokee Freedmen D— 129,
Albert H. Thomas,	Cherokee Freedmen D— 130,
Mary Chapman,	Cherokee Freedmen D— 131,
Caroline Dawson,	Cherokee Freedmen D— 132,
Melvina Arberry,	Cherokee Freedmen D— 133,
Dave Morris,	Cherokee Freedmen D— 134,
Alexander Taggett,	Cherokee Freedmen D— 135,
Adams Marcum,	Cherokee Freedmen D— 136,
Ella Murray,	Cherokee Freedmen D— 137,
Jesse B. Brown,	Cherokee Freedmen D— 138,
Bob Bayley,	Cherokee Freedmen D— 139,
Samuel Brown,	Cherokee Freedmen D— 140,
Hotford Freeman,	Cherokee Freedmen D— 141,
Jack McCombs,	Cherokee Freedmen D— 142,
Mollie Ramey,	Cherokee Freedmen D— 143,
	Cherokee Freedmen D— 160.

George Reed, Sr.,	Cherokee Freedmen D—382,
Buck Ledman,	Cherokee Freedmen D—406,
Bell Thompson,	Cherokee Freedmen D—411,
Lewis Scott,	Cherokee Freedmen D—420,
Abe Scott,	Cherokee Freedmen D—421,
Kender Lampton,	Cherokee Freedmen D—425,
Thomas E. Allen,	Cherokee Freedmen D—424,
Lewis Vanderford,	Cherokee Freedmen D—426,
John L. Bowlin,	Cherokee Freedmen D—444,
Katie Davis,	Cherokee Freedmen D—455,
Charles Williams,	Cherokee Freedmen D—473,
John J. Rose,	Cherokee Freedmen D—474,
Jane Martin,	Cherokee Freedmen D—486,
Lena Peterson,	Cherokee Freedmen D—490,
Alex Johnson,	Cherokee Freedmen D—493,
Martha Vann,	Cherokee Freedmen D—495,
John Scott,	Cherokee Freedmen D—501,
Nancy Ross,	Cherokee Freedmen D—513,
Charles C. Smith,	Cherokee Freedmen D—514,
Susie Colbert,	Cherokee Freedmen D—520,
William Skaggs,	Cherokee Freedmen D—545,
Susie Johnson,	Cherokee Freedmen D—546,
Alfred P. Hopkins,	Cherokee Freedmen D—550,
Kizzie Vann,	Cherokee Freedmen D—552,
Freddie Looney,	Cherokee Freedmen D—573,
Lucy Chouteau,	Cherokee Freedmen D—584,
Alice Durant,	Cherokee Freedmen D—588,
Mahaley Ward,	Cherokee Freedmen D—606,
Fred D. Thomas,	Cherokee Freedmen D—650,
Bettie Beck,	Cherokee Freedmen D—665,
Ellis Warren,	Cherokee Freedmen D—667,
Millie Robinson,	Cherokee Freedmen D—674,
Mary Webber,	Cherokee Freedmen D—691,
Frances Martin,	Cherokee Freedmen D—692,
Mary Riley,	Cherokee Freedmen D—696,
Emanuel Taylor,	Cherokee Freedmen D—699,
Henry Sykes,	Cherokee Freedmen D—733,
Larkin P. Powell,	Cherokee Freedmen D—735,
Stepney Dawn,	Cherokee Freedmen D—736,
Malinda Vann,	Cherokee Freedmen D—741,
Frances Johnson,	Cherokee Freedmen D—742,
Annie Foster,	Cherokee Freedmen D—743,
Mary H. Rogers,	Cherokee Freedmen D—752,
George Washington Lane,	Cherokee Freedmen D—758,
Jane Brown,	Cherokee Freedmen D—760,

CTR. 108

Samuel L. Young,	Cherokee Freedmen D—761,
John Buckner,	Cherokee Freedmen D—780,
Willis Cox,	Cherokee Freedmen D—781,
Leonard Bowles,	Cherokee Freedmen D—787,
Malinda Murrell,	Cherokee Freedmen D—788,
Charles Claggett,	Cherokee Freedmen D—789,
Samuel Irven,	Cherokee Freedmen D—798,
Mary Ross,	Cherokee Freedmen D—799,
Maggie Nave,	Cherokee Freedmen D—808,
Neoma Nave,	Cherokee Freedmen D—816,
Ella Ross,	Cherokee Freedmen D—840,
Elizabeth Duncan,	Cherokee Freedmen D—871,
Sadie Adams,	Cherokee Freedmen D—880,
Georgeann Archer,	Cherokee Freedmen D—901,
John Claggett,	Cherokee Freedmen D—912,
Hattie Smith,	Cherokee Freedmen D—923,
Jack Jackson,	Cherokee Freedmen D—938,
Lula Sanders,	Cherokee Freedmen D—973,
George Hazelrig,	Cherokee Freedmen D—987,
Lizzie West,	Cherokee Freedmen D—990,
Maria French,	Cherokee Freedmen D—1010,
Mary Johnson,	Cherokee Freedmen D—1039,
Maggie Vann,	Cherokee Freedmen D—1062,
William Hudson,	Cherokee Freedmen D—1067,
Sarah Rogers,	Cherokee Freedmen D—1078,
Abraham Ballard,	Cherokee Freedmen D—1082,
Laura David,	Cherokee Freedmen D—1085,
John Deckman,	Cherokee Freedmen D—1105,
James B. Perry,	Cherokee Freedmen R— 39,
Isaac Welch,	Cherokee Freedmen R— 45,
Lawson Logan,	Cherokee Freedmen R— 48,
George Howell,	Cherokee Freedmen R— 56,
Henry Masir,	Cherokee Freedmen R— 72,
George Adams,	Cherokee Freedmen R— 82,
Annie Thomas,	Cherokee Freedmen R— 83,
Lewis McConnell,	Cherokee Freedmen R— 86,
Callie Vann,	Cherokee Freedmen R— 94,
Lou Peters,	Cherokee Freedmen R— 96,
Ida Adair,	Cherokee Freedmen R— 99,
Robert Brown,	Cherokee Freedmen R—100,
Allie Chambers,	Cherokee Freedmen R—102,
Isom Jones,	Cherokee Freedmen R—104,
Alice Gunter,	Cherokee Freedmen R—105,
Katie Adair,	Cherokee Freedmen R—106,
Carrie Martin,	Cherokee Freedmen R—107,

Benjamin Clark,	Cherokee Freedmen R—108,
Emily Looney,	Cherokee Freedmen R—110,
John Groves,	Cherokee Freedmen R—112,
Matilda McNair,	Cherokee Freedmen R—117,
Bettie Vann,	Cherokee Freedmen R—122,
Nelson Lett,	Cherokee Freedmen R—125,
Fannie Rogers,	Cherokee Freedmen R—129,
William Washington,	Cherokee Freedmen R—141,
Squire Warren Owens,	Cherokee Freedmen R—143,
Fannie Goldsby,	Cherokee Freedmen R—144,
Susan Daniels,	Cherokee Freedmen R—146,
Anderson Turk,	Cherokee Freedmen R—148,
David Lane,	Cherokee Freedmen R—156,
Felix McClain,	Cherokee Freedmen R—165,
Henderson Jones,	Cherokee Freedmen R—173,
Belle Vann,	Cherokee Freedmen R—181,
Levi Stroud,	Cherokee Freedmen R—196,
John Sumpter,	Cherokee Freedmen R—311,
Mariah Thompson,	Cherokee Freedmen R—330,
Ellen Sheppard,	Cherokee Freedmen R—337,
Lula Melton,	Cherokee Freedmen R—347.

C.T.R. 102

DECISION.

It appears from the record herein that applications for enrollment as Cherokee citizens by intermarriage, were made to this Commission by William Davis for himself; by Hannah Thomas for her husband, Henry Thomas; by Jim Vann for his wife, Ella Vann; by Sig Markham for his wife, Mary Markham; by Nathan Melton for his wife, Frances Melton; by Mary Dotson for her husband, John Dotson; by George W. Vann for his wife, Mary Jane Vann; by Thomas Lowe for himself; by Thomas Mayfield for his wife, Ella Mayfield; by James Rider for his wife, Sallie Rider; by Reuben Campbell for himself; by Van Jackson Luther for himself; by Tobe Midleton for his wife, Cassie Midleton; by Thomas Harlin for his wife, Mary Harlin; by John Fields for his wife, Nellie Fields; by John Kimbo for himself; by William S. Madden for himself; by Tobias Bean for his wife, Jane Bean; by Etta Thomas for her husband, Albert T. Thomas; by James Campbell for his wife, Mary Campbell; by Frank Daniels for his wife, Caroline Daniels; by Jim Alberty for his daughter-in-law, Melvina Alberty; by Sarah Morris for her husband, Dave Morris; by Jane Claggett for her husband, Alexander Claggett; by Payton Martin for his wife, Amanda Martin; by Charles Martin for his wife, Eliza Martin; by John E. Barnes for himself; by Joe Davis for his wife, Bell Davis; by Ellen Brown for her husband, Samuel Brown; by Mary Ann Watson for her husband, Howard F. Watson; by Jack McConnell for himself; by Maude Manley for herself; by George Reed, Sr., for himself; by Buck Ledman for himself; by Bell Thompson for herself; by Lewis Scott for himself; by Abe Scott for

himself; by Kender Lampton for himself; by Thomas E. Allen for himself; by Lewis Vanderford for himself; by Elizabeth Bowlin for her husband, John L. Bowlin; by John D. Davis for his wife, Katie Davis; by Charles Williams for himself; by John J. Rose for himself; by David Martin for his wife, Jane Martin; by Fred Peterson for his wife, Lena Peterson; by Mariah Johnson for her husband, Alex Johnson; by Joseph Vann for his wife, Martha Vann; by John Scott for himself; by Steve Looney for Nancy Ross; by Charles C. Smith for himself; by James Colbert for his wife, Susie Colbert; by Rosanna Skaggs for her husband, William Skaggs; by Susie Johnson for herself; by Alfred P. Hopkins for himself; by Charles Vann for his wife, Kizzie Vann; by Jake Looney for his wife, Freddie Looney; by Lucy Chouteau for herself; by Alice Durant for herself; by Alonzo Ward for his wife, Mahaley Ward; by Fred D. Thomas for himself; by Benjamin Beck for his wife, Bettie Beck; by Ellis Warren for himself; by William Henry Robinson for his wife, Millie Robinson; by Josh Webber for his wife, Mary Webber; by Otto Martin for his wife, Frances Martin; by Ed Riley for his wife, Mary Riley; by Emanuel Taylor for himself; by Henry Sykes for himself; by Larkin P. Powell for himself; by Stepney Dawn for himself; by Ellis Vann for his wife, Malinda Vann; by David Johnson for his wife, Frances Johnson; by Phillip Foster for his wife, Annie Foster; by Houston Rogers, Jr., for his wife, Mary H. Rogers; by George Washington Lane for himself; by Silas Hammer Brown for his wife, Jane Brown; by Samuel L. Young for himself; by Lizzie Buckner for her husband, John Buckner; by Sarah Cox for her husband, Willis Cox; by Susan Bowles for her husband, Leonard Bowles; by Henry Murrell for his wife, Melinda Murrell; by Charles Claggett for himself; by Samuel Irven for himself; by David Ross for his wife, Mary Ross; by George F. Nave for his wife, Maggie Nave; by Lewis Armstead Nave for his wife, Neoma Nave; by Perry Ross for his wife, Ella Ross; by Elizabeth Duncan for herself; by Perry Adams for his wife, Sadie Adams; by Thomas Archer for his wife, Georgeann Archer; by Nancy Claggett for her husband, John Claggett; by Sonny Smith for his wife, Hattie Smith; by Jack Jackson for himself; by John Sanders for his wife, Lula Sanders; by Mary Hazelrig for her husband, George Hazelrig; by George West for his wife, Lizzie West; by Maria French for herself; by Mary Johnson for herself; by Maggie Vann for herself; by William Hudson for himself; by Sarah Rogers for herself; by Abraham Ballard for himself; by King David for his wife, Laura David; by John Deckman for himself; by James B. Perry for himself; by Isaac Welch for himself; by Nancy Logan for her husband, Lawson Logan; by Maria Howell for her husband, George Howell; by Amanda Masir for her husband, Henry Masir; by Katie Adams for her husband, George Adams; by Willie Thomas for his wife, Annie Thomas; by Lewis McConnell for himself; by Josh Vann for his wife, Callie Vann; by Lou Peters for herself; by Robert Adair for his wife, Ida Adair; by Josie Brown for her husband, Robert Brown; by Mat Chambers for his wife, Allie Chambers; by Rachel Jones for her husband, Isom Jones; by Lewis Gunter for his wife, Alice Gunter; by Amos Adair for his wife, Katie Adair; by William H. Martin for his wife, Carrie Martin; by Benjamin Clark for himself; by Emily Looney for herself; by Mary Groves for her husband, John Groves; by Butler McNair for his wife, Matilda McNair; by Bettie Vann for herself; by Nelson Lett for himself; by Allen Rogers for his wife, Fannie Rogers; by William Washington for himself; by Squire Warren Owens for himself; by Fannie Goldsby for herself; by Charles Daniels for his wife, Susan Daniels; by Rachel Turk for her husband, Anderson Turk; by David Lane for himself; by Felix McClain for himself; by Henderson Jones for himself; by Isaac Vann for his wife, Belle Vann; by Maggie Stroud for her husband, Levi Stroud; by John Sumpter for himself; by Mariah Thompson for herself; by Ellen Sheppard for herself; and by Lula Melton for herself, claiming their right thereto by virtue of their marriage to Freedmen Cherokee citizens.

The record further shows that none of the applicants herein make any claim to enrollment as citizens of the Cherokee Nation other than as set forth above.

It further appears from the record herein that at the time applications were made for the enrollment of the above named applicants, application was also made for the enrollment of other applicants as Cherokee Freedmen, but said applications being differently classified are not included in this decision.

It does not appear that any of the applicants herein are identified upon the 1880 Authenticated Cherokee Roll, nor does it appear that any of said applicants has ever been admitted to Cherokee citizenship by a duly constituted court or committee of the Cherokee Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321).

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Lemuel Welcome, (I. T. D. 5848-1904, 11,776-1904), the applications made for the enrollment of William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Midleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Melinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington,

Squire Warren Owens, Fannie Goldsby, Susan Daniels, Andersen Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by intermarriage, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[SIGNED] TAMS BIXBY,
Chairman.

[SIGNED] T. B. NEEDLES,
Commissioner.

[SIGNED] C. R. BRECKINRIDGE,
Commissioner.

MUSKOGEE, INDIAN TERRITORY, JANUARY 19, 1905.

COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 3 1901

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 3 1901

Post Office Coffeyville Kas

District Coo

1. Name Benjamin Stark Age 36

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

2. Name of wife Rejected Age

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

3. Year Page No. Dist.
4. Year Page No. Dist.
5. Year Page No. Dist.
6. Year Page No. Dist.
7. Year Page No. Dist.
8. Year Page No. Dist.
9. Year Page No. Dist.
10. Year Page No. Dist.
11. Year Page No. Dist.
12. Year Page No. Dist.

Rejected

Application made by Myself Stenographer E. B. Quinton

COPY.

Cherokee Freedmen
D-14 et al.

Muskogee, Indian Territory, January 24, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Holton, John Watson, Mary Jane Vann, Thomas Love, Ella Mayfield, Callie Elder, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Durlin, Nellie Fields, John Kobbe, William E. Hudson, Jack Dean, Albert V. Thomas, Mary Campbell, Caroline Daniels, Melvina Liberty, Jane Morris, Alexander Fitzgerald, Amanda Martin, Wilmington, John E. Parker, Bell Davis, Emmett Dover, Edward F. Vahlen, Jack McConnell, Manda Hughey, George Hook, Sr., Frank Lockman, Bill Thompson, Lewis Scott, Abe Scott, Kendall Hampton, Thomas F. Allen, Lewis Vandarford, John I. Rowlin, Nellie Davis, Charles Williams, John J. Rose, Jane Martin, Dena Peterson, Alex Johnson, Martha Vann, Jane Scott, Nancy Ryan, Charles E. Smith, Susie Gilbert, William Staggs, Susie Jackson, Alfred P. Hughes, Minnie Vann, Franklin Dorsey, Lucy

Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Rook, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stephney Dean, Malinda Vann, Frances Johnson, Annie Foster, Mary M. Rogers, George Washington Kane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Rose, Maggie Rowe, Nathan Rowe, Mila Rose, Elizabeth Duncan, Sadie Adams, Georgeanna Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hendrix, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Watson, Sarah Rogers, Abraham Ballard, Laura David, John Jackson, James E. Perry, Isaac Welch, Lawson Logan, George Sewell, Henry Muir, George Adams, Annie Thomas, Lewis McDonald, Sallie Vann, Lee Peters, Ida Adair, Robert Brown, Alice Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Nettie Vann, Nelson Lott, Fannie Rogers, William Washington, Squire Warren Young, Fannie Goldsby, Susan Daniels, Anderson York, David Lane, Felix McGinis, Henderson Jones, Belle Vann, Levi Stroud, John Scraper, Marion Thompson, Milen Sheppard and Lula Walton, as Cherokee citizens by intermarriage.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the

-2-

Secretary will be made known to you as soon as the Commission is informed of the same.

Yours faithfully,

(SIGNED). Tame Bixby.

Secretary.

Incl. K-9.

COPY.

Cherokee Freedmen
3-14 et al.

Muskogee, Indian Territory, January 24, 1905.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted record of proceedings had in the matter of the applications for the enrollment of, William Davis, Henry Thomas, Nila Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Nila Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Hallie Fields, John Kimbo, William S. Madden, Jane Boggs, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John F. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Rhoda Manley, George Reed, Sr., Rosa Lathan, Bell Thompson, Lewis Scott, Ada Scott, Hester Langston, Thomas B. Allen, Lewis Vandeford, John L. Bowlin, Katie Davis, Charley Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Rose, Charles C. Smith, Susie Colbert, William Sharp, Susie Johnson, Alfred P. Hopkins, Minnie Vann, Freddie Looney, Lucy Thornton, Alice Durant, Mahaley Vann, Ned D. Thomas, Bettie Reed, Ellis Warren, Millie Robinson, Lucy Walker,

Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Bonna Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Beckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Nash, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Emma James, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Watt, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Bella Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by intermarriage, including the Commission's decision dated January 19, 1905, rejecting said applications.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Incl: K-8.
Through the
Commissioner of Indian Affairs.

COPY.

Cherokee Freedmen

R-108.

Muskogee, Indian Territory, January 24, 1905.

Benjamin Clark,

Coffeyville, Kansas.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.

Chairman.

Incl. 8-90.

Register.

DEPARTMENT OF THE INTERIOR,

Refer in reply to the following:
Land.
7908-1905.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, March 20, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 24, 1905, transmitting the record of the application for enrollment as Cherokee citizens by intermarriage to Cherokee freedmen by William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard P. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Lizzie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck,

Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Tayler, Henry Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Wave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Mariah French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard, and Lula Melton.

January 19, 1905, the Commission decided adversely to all the applicants.

The record shows that none of the applicants makes claim to enrollment as citizens of the Cherokee Nation, except by intermarriage with a Cherokee Freedman; that none has ever been enrolled or admitted to citizenship by any tribal authority of the Cherokee Nation or by any United States tribunal and that none

is identified on the 1880 authenticated Cherokee roll.

In view of the record and of the ruling of the Department of November 12, 1904 (I. T. D. 5848-1904) in the Lemuel Welcome case, the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

M.M.M.
W.

(C O P Y)

D.C. 20877-1905
I.T.D. 2904-1905.

W C F
F H F

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

April 17, 1905

L R S

Commission tothe Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

January 24, 1905, you transmitted the record in the matter of the applications for the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation including your decision of January 19, 1905, rejecting said applications, viz:

William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Welton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Midleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty , Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard W. Watson, Jack McConnell, Maude Manley , George Reed,Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann,

John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Nasir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard, and Lula Melton.

Reporting in the matter March 21, 1908, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) THOS. RYAN
Acting Secretary.

1 inclosure.

COPY.

Cherokee Freedmen

R-108.

Muskogee, Indian Territory, April 28, 1905.

Benjamin Clark,

Coffeyville, Kansas.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting, among others, your application for enrollment as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED) Tattie Bixby.
Chairman.

COPY.

Cherokee Freedmen

D-14 , et al

Muskogee, Indian Territory, April 26, 1905.

Ball, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED) Tams Bixby.

Chairman.

COPY

Cherokee Freedmen
D-14, et al.

Muskogee, Indian Territory, April 20, 1905.

Commissioner in Charge,
Cherokee Land Office,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

ENROLLMENT REFUSED

108

Decision

IN THE MATTER OF THE APPLICATION OF

Benjamin b Lake

FOR ENROLLMENT AS

CHEROKEE FREEDMEN

A. Original testimony and papers in

B. Mem. of application " "

Letter transmitting [illegible] with

b

Cher. Fr. R-109

Cher. Fr. R-109

Remarks, as to child, Frank Duffin. bastard.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., June 5,1901.

In the matter of the application of Josh Duffin for the enrollment of himself and one child as Cherokee Freedman; being sworn and examined by Commissioner Needles, he testified as follows:

Q What is your name? A Josh Duffin.
Q How old are you? A I judge I am about 40 or 50.
Q What is your post-office address? A Lenapah.
Q What district do you live in? A Coowescoowee.
Q Are you a recognized citizen of the Cherokee Nation? A No sir.
Q Is your name on the authenticated roll of 1880? A I am not on that roll.
Q Is your name on any of the rolls? A Yes sir.
Q What rolls? A It is on the Verna Clifton roll I know, I don't know whether it is on any other roll or not.
Q You apply for enrollment as a Cherokee Freedman? A Yes sir.
Q You and you want to enroll he[illegible]des yourself? A I have got a boy.
Q You want to enroll a boy besides yourself? A Yes sir.
Q Your son? A Yes sir.
Q Is his mother living? A No sir.
Q What is your son's name? A Frank.
Q How old is Frank? A About 15 or 17 years old I guess.
Q Frank Duffin? A Yes sir.
Q Did you draw Strip money for your son Frank? A Yes sir.

Verna-Clifton pay roll of citizens of the Cherokee Nation examined and applicants identified thereon as follows:
page 133 #4497 Josh Duffin, Coo-weescoowee District;
page 133 #4488 Frank Duffin, Coowescoowee District.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant identified thereon nowhere.

1896 census roll of citizens of the Cherokee Nation examined and applicant's name not identified thereon at all.

Wallace roll of citizens of the Cherokee Nation examined and applicant identified the reon as follows:
page 109 #2325 Josh Duffin, Coowescoowee District.

Q Were you a slave before the war? A. Yes sir.
Q Who did you belong to? A I was born a slave of Doctor Thompson.
Q Were you taken out of the Cherokee Nation during the war?
A Yes sir.
Q Where to? A To Kansas.
Q What part of Kansas? A Why we went to Ft. Scott.
Q When did you return to the Cherokee Nation? A Why I think it was in the summer of '66 somewhereabouts along there.
Q Have you been living in the Cherokee Nation ever since? A Yes sir
Q When were you married? A I haven't been married but about--me and my wife is parted now.
Q Well, when were you married? A I was married in '85 I believe it was '85.
Q What was your wife's name? A Hattie, she was a Johnson when I married her.
Q How long have you been parted? A Three years, it will be this July parted.
Q Was Frank born after you were married? A No, he was born before.
Q You were not married to your wife when Frank was born? A No sir.
Q Were you living with her as man and wife? A No sir.
Q Fact is that Frank is an illegitimate child? A Yes sir.

Q Have you any witnesses? A Yes sir.
Q Who are they? A I got Al Lynch and Mr. Hicks, Moss Riley and Webber.
Q Have you any other testimony to give in yourself about other than that that was given in with your brother and sister? A No I believe not.
Q You come back to the Cherokee Nation with your sister Sarah?
A Yes sir.
Q And your brother George? A Yes sir.

Examined by Cherokee Representative; W.W.Hastings:

Q How old did you say you are? A I am about 49 or 50 I guess.
Q You was a good big boy when the war closed? A Yes sir.
Q Are you older than George, or younger? A I am older than George, I your older.
Q You remember your return? A Yes sir.
Q You know dates don't you? A Yes sir.
Q You think it was in the summer time some time? A Yes sir, I think it was in the summer as well as I can remember.
Q You think it was in July or August? A Why I think it was somewheres along there, I wont be positive; somewheres along there though.
Q You know it was warm weather? A Yes sir.
Q Corn up at that time, it wasn't laid by? A When we come down here you mean?
Q Yes? A Ok corn was laid by.
Q Mr. Webber have a crop? A Yes sir.
Q Was it laid by then? A Yes sir.
Q Who else had a crop around there? On Big Creek? A Oh I don't know; there was a whole lot of them had crops down there.
Q Name some of the rest of them? A Well there was Webber and Towers I think and Mays.
Q You know Mr. Bill Noble? A Yes sir, I am acquainted with Bill Noble.
Q Did he help to raise your father's house the first kix house he made there? A No, I don't know that he did, no.
Q How far did he live from you at that time? A Why Bill Noble never built up there until a year, oh it was over a year I think after I come here before I saw Bill.
Q What other Cherokees did you see around there? A Mr. Albert Marris lived up there but I didn't see him at that time.
Q He lived near there? A Yes, had built near there.
Q Have you ever been married? A Yes sir.
Q Where were you married? A I was married up here on the Verdigris not far from Lenapah.
Q You have been back to Kansas have you? A Yes sir.
Q When did you go back, how long did you stay down here before you went back? A Why I don't know really, we went back after our things; after our plows and things, after we come.
Q Did you make a crop that year in Kansas that you came down?
A No.
Q You came down before crops was in up there? A Yes sir.
Q Have you ever been back to Kansas to work any considerable length of time sine you come down here; what's the longest you have been back in Kansas since you came down here as you state?
A I couldn't tell you; I worked on the Santa Fe at Topeka a while.
Q Have you ever been up there since you and your wife married?
A No sir.
Q How long have you lived continuously here in the Cherokee Nation? A Why continuously I have lived here ever since I came

Q Well how long is the longest you have ever worked in Kansas?
A Oh about two weeks I guess at a time.
Q That's the longest is it? A Yes sir, I think it is as well as I can remember.
Q You have been living right up on Big Creek? A Yes sir, and on the Verdigris; my home is on the Verdigris ~~xxxx~~ now.

Examined by Commissioner Needles:

Q Did you ever live in Kansas with your family since you came back
A No sir.
Q Is Hattie Johnson, your wife, a Freedman? A No sir.
Q She is a st te woman? A Yes sir.
Q She has no claims to Cherokee citizenship then? A Why they put in a claim.
Q When? A Put in before the Wallace court.
Q She has never been recognized then? A No sir.
Q Where is she living? A I don't know.
Q Is she here? A No sir.
Q Did you marry the mother of Frank Johnson? A No.
Q Never did marry her? A No .
Q Your wife's name was Hattie? A Yes sir.
Q She was the mother of Frank? A No sir.
Q You never did marry Frank's mother? A No sir.

Com'r Needles: Joshua Duffin applies for the enrollment of himself, his child Frank; the name of the applicant is not found upon the authenticated roll of 1880 or on the census roll of 1896; he is duly identified upon the Kern-Clifton roll and the Wallace roll according to page and number of the roll as indicated in the testimony,- his son Frank is identified upon the Kern-Clifton roll; he avers that he is a brother of George B. Duffin and of Sarah Moss, who have this day been listed for enrollment on D card 505 and 506 respectively; the testimony taken in said cases will be made a part of the record in the case at bar, and copy thereof filed with the testimony now being taken for the applicant; he avers that his child Frank is an illegitimate child, and that the mother of said Frank is not a Cherokee Freedman; he makes satisfactory proof of residence, consequently, Joshua Duffin will be duly listed for enrollment as a Cherokee Freedman upon a doubtful card awaiting the further consideration of the Commission; he will be duly notified by mail as to the decision of the Commission when arrived at.

From the fact that the testimony shows that this child Frank, for whom he applies, is an illegitimate child, born out of wedlock, and his mother is a non-citizen, his application for the enrollment of his child Frank will be rejected.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D. Green

Subscribed and sworn to before me this June 8, 1906.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I. T., JULY 16, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the applications for the enrollment of GEORGE B. DUFFIN, SARAH MOSS, ET AL., ELIZA KEYS, JOSHUA DUFFIN, GEORGE W. MOSS, and FRANK DUFFIN as Cherokee freedmen.

It appears that on June 4, 1904, the applicants, their attorney and the attorney for the Cherokee Nation were duly notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on June 16, 1904, and then and there introduce further testimony touching the points mentioned in said letter, and on June 18, 1904, this case was continued by agreement until this July 16, 1904, when the following testimony was introduced.

APPEARANCES:
The principal applicants present in person and by attorney R. W. Blue.
Cherokee Nation by its attorney, James S. Davenport.

GEORGE W. LYNCH, being first duly sworn, testified as follows on behalf of the applicants:

By the Commission:
Q What is your name? A George W. Lynch.
Q How old are you? A I was born December, 1852.
Q What is your postoffice address? A Vinita.
Q Are you a Cherokee freedman? A Yes, sir.
Q Do you know George B. Duffin who has applied for enrollment as a Cherokee freedman? A Yes, sir.
Q Do you know Sarah Moss? A Yes, sir.
Q Do you know Eliza Keys? A Yes, sir.
Q Do you know Joshua and Frank Duffin? A I know Joshua, but I don't remember Frank.
Q Do you know George W. Moss? A Yes, sir.

By Mr. Blue:
Q Did you know Nathan Duffin? A Yes, sir.
Q Where and when did you first see him? A I never saw him in my life until '67.
Q What time in 1867? A It was about the first of February, '67.
Q Where did you see him? A On Big Creek.
Q About how far from the Kansas line, south line of Kansas? A Making an estimation I think it was somewheres from six to seven miles.
Q In which direction from the Kansas line? A South of the Kansas line.
Q You saw him at that place, did he have a house or place to live in there? A He had kind of a rough double log house.
Q What time in the day were you there at his place? A We got there very early in the morning, before they had eat breakfast.
Q Who was you with at that time? A A man by the name of Art Williams.
Q Was he a white or colored man? A Colored man.

Q Where were you going at that time? A He was going there, but I was enroute to enlist in the Army.
Q Did you proceed on and enlist in the Army? A Yes, sir.
Q What regiment did you enlist in? A Company C, 10th gavalry.
Q At what place? A I went to Fort Leavenworth.
Q Do you remember the date of your enlistment? A No, sir, I don't remember right now, in the Spring of '67.
Q After you saw Mr. Duffin there where did you next see him? A I never saw him any more until I went in the Army and come back.
Q How long were you in the Army? A I went in in '67 and come out in '72.
Q How soon after you came out of the Army did you next see Mr. Duffin? A I judge it was about along in '73.
Q Where did you see him? A I saw the old man first, after I come back over on Grand river, with an old preacher by the name of Rider, they were over there at a meeting.
Q In what Nation? A Cherokee Nation.
Q What was Nathan Duffin's business? A He was a preacher.
Q Do you know George Duffin? A Yes, sir.
Q When did you first see him, if you remember? A I first saw George when Art Williams and I went to the cabin that morning and got breakfast.
Q That was in 1867? A Yes, sir.
Q Who else of the Duffin family did you see there at that time?
A As well as I remember I saw two boys and two girls.
Q Did you afterwards ascertain who they were? A Yes, sir.
Q Who were they? A It was George and Joshua and Sarah and Eliza.
Q George and Joshua and Sarah and Eliza who? A Duffin's, always known as Duffins, sometimes called Tyner, I don't know where that name come from.
Q Do you mean by that that Nathan Duffin was sometimes called Tyner?
A Yes, sir.
Q By what name does Eliza Duffin now go? A By Eliza Keys.
Q How about Sarah Duffin, by what name does she go now? A By the name of Sarah Moss.
Q Did you see Eliza Keys after 1867, when you first saw her there at her father's house? A Yes, sir, frequently since that.
Q Have you seen Sarah frequently since that, too? A I saw her now and then, but not as often as I have Eliza, but I have seen her several times since that.
Q How long did you remain at Nathan Duffin's cabin in February, 1867 when you went there? A Ate breakfast, sat around there an hour or two and talked.
Q Then what did you do? A Art showed me how to go down the creek, where my grandfather was living down there, and some more folks, and he went on his way.
Q Did you go on yours, too? A Yes, sir.

By Mr. Davenport:
Q As I understand you, Nathan Duffin, together with George, Joshua, Sarah and Eliza, was living in a double log house in Cooweescoowee district about the first of February, 1867? A Yes, sir.
Q Did you have any conversation with Nathan Duffin at the time you were there as to where he went during the war? A No, sir, had no conversation with him at all; it seems that him and Art Williams were acquainted and I listened to them talk.
Q Did you hear any conversation between them as to where the Duffin family went during the war? A No, sir.
Q There was nothing passed them between Art Williams and Nathan Duffin as to whether or not Art had left the Cherokee Nation during the war or that Duffin and his family left? A If I did I don't remember it.

Q After this time you claim you saw them there in 1867 it was five or more years till you saw them any more? A It must have been six years.
Q It was after you came out of the Army? A Yes, sir.
Q Were they living on the same place when you saw them again? A I didn't come back on the same place; I saw the old man and the boys frequently, but not at their homes.
Q Have you since that time learned whether or not Nathan Duffin and his family went out of the Cherokee Nation during the war? A I don't know as I have; I have no knowledge of it.
Q You haven't learned it from any of the family? A I believe I have heard it mentioned that they went out of the Cherokee Nation during the war.
Q You have never heard them tell about having lived about Ottowa, Kansas, with old man Campbell, have you? A No, sir.
Q Never heard George here and his brother tell about hauling cross ties to build that railroad when it built into Ottowa, Kansas? A No, sir.
Q Have you ever talked with them about their taking a lease from old man Campbell for clearing out a piece of land, near Garnett, Kansas? A No, sir, I have never heard of that.

GEORGE CAMPBELL, being first duly sworn, testified as follows on behalf of the Cherokee Nation:

By the Cherokee Nation:
Q What is your name? A George Campbell.
Q How old are you? A 68.
Q What is your postoffice address? A Garnett, Anderson County, Texas. United States?
Q Are you a citizen of the Cherokee Nation? A Yes, sir.
Q Do you know the applicants in this case who have applied here to be enrolled as Cherokee freedmen, George B. Duffin and Joshua Duffin, and Sarah Moss, et al.? A I used to know them, but haven't seen them for a good many years.

By Mr. Davenport:
Q Mr. Campbell, how long have you lived in or near Garnett, Kansas?
A Ever since 1856.
Q Where were you living with reference to Garnett, Kansas, in 1868?
A The latter part of 1865 I lived 2 1/2 miles east.
Q Of Garnett? A Yes, sir.
Q Did you know a family of colored people there in 1865 by the name of Duffin? A Yes, sir.
Q Do you remember the name of the old gentleman? A Yes, sir.
Q What was his name? A Nathan.
Q What was his business? A He farmed and he preached.
Q Where did he live when you first got acquainted with him? A The first I knew of them they lived on a place right west of us, adjoining us, Gibson.
Q Gibson place? A Yes, sir.
Q After you got acquainted with them, where did they live? A On my father's place; leased some land there for three years.

Mr. Blue: We object to that as not being the best evidence.
Commission: Objection noted.

Q What was your father's name? A J. Y. Campbell.
Q How long did the Duffin family live on your father's place after they moved there? A I think they lived there three years out; they were there in 1868, I know.

Q What makes you remember they were there in 1868? A

Mr. Blue: Objected to as incompetent, immaterial and irrelevant.

Commission: Objection noted; witness will answer.

A Well, in 1867, July 4th, I enlisted to go out on the plains in the Army, and they were there when I come back, and I farmed with them the next summer.
Q Did you work on the same farm that belonged to your father that the Duffins lived on while working your father's farm? A Yes, sir.
Q You were then about how old? A About 22.
Q Do you remember the names of the family of how many there were in the family? A There were two boys and two girls and the father and the mother, six.
Q Do you remember whether there were any other children? A I don't know.
Q Do you remember the names of any of the children? A One was named George, and I think the others name was Frank.
Q Do you know the girls' names? A One was named Eliza and I don't know the other name.
Q Have you ever seen the boys or the old gentleman since that time? A George was at my house once since then.
Q When did they move from your father's place? A I just can't tell you just when they moved away.
Q They were there the crop year, the last year you remember? A '68.
Q They were there in July in 1867? A No, they lived on the Gibson place at that time.
Q In the neighborhood? A Yes, sir.
Q From the time you got acquainted with them in 1865 up to 1868, had they moved out of the neighborhood? A No, sir, they hadn't moved out.

By Mr. Blue:
Q In what regiment did you enlist to go on the plains? A 18th Kansas.
Q Was that the regiment that was raised in Kansas for Indian service after the war? A Yes, sir.
Q Col. Crawfordwas Col.? A No, sir, he was Col. of the 19th.
Q Who was Col. of the 18th? A Didn't have none.
Q Who commanded it? A Major Moore.
Q Where did he reside? A At Lawrence.
Q Is that the Mr. Moore that was afterwards elected to Congress from the second district? A Yes, sir.
Q How long were you in the service of the 18th Kansas? A I enlisted for five months, but got out; went in in July and got out in December.
Q Went out in July of 1867? A Yes, sir.
Q Did you serve with the 19th Kansas? A No, sir.
Q In what troops did you serve? A We served with the 10th cavalry.
Q 10th colored cavalry? A Yes, sir.
Q Who commanded it? A A man by the name of Arms.
Q He command your battalion all the time you were out? A Yes, sir.
Q When did you enlist in that regiment? A In July, 1867.
Q What time in July? A 4th of July we enlisted; mustered in the 15th of July.
Q Where did you enlist? A Garnett.
Q Who was the officer that enlisted you? A Johnson, I think.
Q What Johnson? A Col. Johnson, or Captain Johnson.
Q Alex? A Yes, sir.
Q Did Alex serve in the 18th? A No, sir, we were under Captain Jennings of Ottawa.
Q You say you knew Nathan Duffin? A Yes, sir.
Q Where did you first meet him? A I first met him at Garnett.
Q At what place? A Right east of Garnett.
Q When was that? A In 1865.

Q What time in 1865? A Must have been about the first of September, I didn't come until the latter part of August.
Q Did you serve in the Union Army before that? A Yes, sir, in the 2nd Kansas Cavalry.
Q Is that Cloud's regiment? A Yes, sir.
Q When did you come back from the service in the 2nd Kansas after the war closed? A Yes, sir, mustered out at Lawrence.
Q When? 18th of August, 1865.
Q Then where did you go? A I come right home to Garnett.
Q You saw Nathan Duffin after that? A Yes, sir.
Q Where did you say he was, as to whose farm he was on? A A man by the name of Gibson.
Q His first name? A John.
Q Where is Gibson now? A He is dead.
Q Did he ever hold any official position in Anderson County, Kansas?
A Not that I know of.
Q When you saw Nathan Duffin out there what was he doing? A Farming.
Q What kind of a house did he live in? A Board house; boarded up and down, on Gibson's place; and built a log house on our place.
Q On Gibson's place he was living in a board house? A Yes, sir, in what they sometimes called a yankee frame.
Q Was that the main house on the farm? A No, sir.
Q Who lived in the principal house on the place? A Gibsons.
Q That the owner of the land? A Yes, sir.
Q How much of a farm did Gibson have there? A I think 120 acres.
Q Did the old man have a team, old man Nathan? A Yes, sir, he had a team; I think he had two.
Q Were you ever in the house he lived in while he was living in it?
A No, sir.
Q The old man was a preacher, wasn't he? A Yes, sir.
Q In the practice of his profession he went from place to place, didn't he? A I don't think he went around much.
Q Do you know anything about it? A I know he preached.
Q You don't know whether he went off and preached? A No, sir, I don't know.
Q Did you ever go up to the Gibson place to see what kind of crops they had? A Yes, sir, I have been around that way.
Q What kind of crops did the old man tend there? A I don't know, it was late in the season when we come home.
Q You don't know much about the crops? A No, sir.
Q That was in 1865? A Yes, sir.
Q Do you know anything about what he did in 1866? A He farmed on my father's place.
Q What was your father's name? A Jim Campbell.
Q Where is your father now? A He is dead.
Q How long has he been dead? A 10 or 15 years.
Q In what kind of a house did Nathan Duffin live on your father's place? A Log house.
Q Old or new one? A He built it, himself.
Q When? A In the fall of 1865, late in the winter.
Q Of 1865? A Yes, sir, I think he built it that winter.
Q How close was it to the principal house on the place? A About a quarter.
Q Were you in that house while Nathan lived there? A Yes, sir, I think so.
Q More than once? A I don't know how many times.
Q You are not positive? A No, sir.
Q Was it there where you said he had two boys and two girls? A Yes, sir.
Q Would you know either one of them if you were to see them again?
A I don't suppose I would.
Q How long has it been since you saw either of them? A I don't recollect seeing them since 1868, any except George.

Q When and where did you see George? A He come to my house in Garmett.
Q When was that? A I don't know how long that has been; I don't recollect; quite a while ago, though.
Q How long did he stay at your house when he came? A Not but a little bit, few minutes.
Q Did you talk with him? A Yes, sir.
Q You are not positive as to how long ago that has been? A No, sir.
Q You say he cropped down there in 1866, built a house on your father's place in 1865? A Yes, sir.
Q Who cropped there? A Nathan Duffin.
Q Was he there all the time? A I couldn't tell you that; whether he was or not.
Q Was he there in 1867? A Yes, sir.
Q Was he there all the year of 1867? A I can't tell you; I was away five months.
Q Five months of 1867?you were not there? A Yes, sir, that was from July to December.
Q Where had you been living the fore part of 1867, there at home on that place? A Yes, sir.
Q What were you doing there then? A Farming.
Q What were you doing in January of 1867? A I don't know.
Q What were you doing in February of 1867? A I expect we were clearing land.
Q You haven't any definite recollection about that? A No, sir.
Q That has been a good while ago? A Yes, sir.
Q Just after the war? A Yes, sir.
Q You say that Mr. Nathan Duffin was there in 1868? A Yes, sir.
Q What time in 1868? A There till fall anyway; he raised his crop.
Q In what month in 1868 did he leave? A I don't know, I know he was there in 1868.
Q How do you know? A I worked with him.
Q What at? A Plowing corn.
Q You and he plowed corn together in 1868? A Yes, sir, right together.
Q What time of the year? A Along in June and July, not much in July, corn got too big.
Q You don't know what you were doing in January and February, 1867, only that you worked there on the farm? A That's all.
Q You think Nathan Duffin raised a crop there in 1868, and left in the fall of 1868? A He left in the fall or the next Spring.
Q Did his sons and daughters remain there after he left? A No, sir.
Q Did they all go away together in 1868? A Yes, sir.
Q You never saw them after that, except George at your place in Garnett once? A Yes, sir.
Q You don't know anything about them after they left there in 1868? A No, sir.
Q Coming back to the Gibson place, please state what direction from the main or principal house on the Gibson place was this little house in which Nathan Duffin lived? A It was pretty near west, as well as I can recollect.
Q How far from the principal house? A Two or three hundred yards.
Q Right west? A I think so.
Q Couldn't have been southwest? A I think they had a log house in the timber like, about half a miles, but I don't think the Duffins lived in that house; I think a man by the name of---I don't remember his name---he was a darkey, lived there.
Q You said while ago they lived in a little house, yankee frame? A There were two families lived on this Gibson place if I remember right.
Q One in a log house? A Yes, sir, that somebody lived in.
Q Duffins didn't live in that house? A I don't think so.

Q How far was this little yankee frame house from the log house in the bottom? A It was half a mile, I think.
Q In what direction from the log house in the bottom was the yankee frame house in which they lived? A It was north.
Q Do you know who built that log house? A No, sir.
Q Are you sure that that log house was on the Gibson place? A Yes.
Q Are you sure that this little frame house was on the Gibson place?
A Yes, sir, I know it was.
Q And you know that the principal house on that farm was also on what you call the Gibson place? A Yes, sir.
Q Then all three were on the Gibson place? A Yes, sir, there were three houses on it.
Q You speak about these parties having a lease there on your father's farm, are you positive about that? A I never seen the lease, but that was my understanding.
Q Isn't it a matter of fact that a man by the name of Mayfield had that lease? A Mayfield had a lease, too.
Q Isn't it a fact that they never had a lease on your father's place? A I don't know; that was my understnading.
Q Then you don't know of your own personal knowledge? A No, I know----
Q Isn't it a fact that they lived in a little room built up against the house that Mayfield lived in? A They lived in the log house; I think it was a double house.
Q Are you sure that the house you say they lived in was on your father's farm? A Yes, sir.
Q You are positive about that? A Yes, sir.
Q Are you positive that they lived on Gibsen's farm at any time?
A Yes, sir, I think they are the same people.
Q Isn't it a fact that it was Mayfield that lived on the Gibson farm and that Puffins didn't live there at all? A I get them mixed if it wasn't them.
Q You don't know absolutely of your own knowledge, do you, Mr. Campbell? A That is my opinion.
Q But as to the fact you are not certain, are you? A I am pretty certain, yes, sir.
Q If it turns out that they never did live on it, you are mistaken, then? A I would be, yes, sir.
Q I ask you again if it wasn't the Mayfields that lived on the Gibson place and Puffins never lived there? A I don't think the Mayfields lived on the Gibson place.
Q But if they did you are mistaken? A Yes, sir, without they all lived there like they did down below.
Q Isn't it a fact that Mr. Mayfield took a lease on the Gibson place and there was no house at all on the Gibson place at all?
A Yes, sir, there was a house on the place.
Q You are sure of that? A Yes, sir.
Q Can't be mistaken? A No, sir.
Q What date was that? A 1865.
Q You are positive it was 1865 when you saw them, what month was it? A It must have been September.
Q Then it was the fall or winter of 1865? A Yes, sir.
Q And you are positive there were three houses on the Gibson place? at that time? A It may not have been at that time, but there were three houses.
Q How many houses at that time? A Three, I think; that is my recollection.
Q This log house, one frame house and the principal house? A Yes, sir.
Q What kind of a house was it? A Story and half house; kitchen to it, facing the east, a shed kitchen.
Q Do you know what was the occasion of George Puffin's being at Garnett when you say you saw him? A No, sir.

Q Did you learn from him where he had been or was going? A I never asked him; I might have, but I don't recollect it.
Q Do you remember anything about his having gone to school at Baker University? A I believe he told me he had.
Q How long did you converse with him that day? A Not very long.
Q Do you remember that he said to you at that time? A No, sir, I don't remember what we talked about.

By Mr. Davenport:
Q Was George big enough for you to recognize him now if you should see him? A I wouldn't know him.
Q Has George had any conversation with you since you have been here this time? A No, sir.
Q You have been around here with him since yesterday? A Yes, sir, but I didn't know that was him for certain.

By Mr. Blue:
Q Are you able to identify any of these people? A No, sir, not for certain; I think that is George.
Q But you don't pretend to say absolutely that it is? A No, sir.

THOMAS FOSTER, being first duly sworn, testified as follows:

By Mr. Davenport:
Q What is your name? A Thomas Foster.
Q Where do you live? A Garnett, Kansas.
Q You are a citizen of the United States? A Yes, sir.
Q How long have you lived in Garnett? A Come there in 1865.
Q Did you know a gentleman by the name of Campbell at Garnett?
A Yes, sir.

Q Did you live with him? A Yes, sir.
Q What was his name? A J. Y. Campbell.
Q While you were living with him did you get acquainted with a family of colored people by the name of Duffin? A I did.
Q Do you know what year you got acquainted with them? A I think it was in the fall of 1866; either in the fall of 1866 or the spring of 1867, I think it was in 1866.
Q Where were you living at that time? A On Mr. Campbell's farm.
Q How many were there in family if you knew? A Must have been four or five, I don't know exactly.
Q Did you know the old gentleman's name? A I did.
Q What was it? A Nathan.
Q Did he have a wife at that time? A I think he did.
Q Did he have any children? A Yes, sir.
Q Did you know any of the children's names? A No, sir, I couldn't say that I do.
Q Do you remember the sex of the children, whether boys or girls?
A Part of them girls and part boys.
Q How long to your own knowledge did he continue to live on Mr. Campbell's place? A Two years.
Q What circumstances, if anything, cause you to remember that he remained there two years? A One of them was, I remember I very often used to go there and work there with the boys or folks on the same

Mr. Blue: Objected to as not responsive.
Commission: Objection noted.

place, and another, Nathan Duffin run a big protracted meeting right close to us, and I used to attend that in 1867.
Q Do you know what year they moved off of Mr. Campbell's place?
A No, sir.

Q Do you know whether or not they were there during the crop year of 1867? A Yes, sir, they were.

By Mr. Blue:
Q Where do you reside now? A In Garnett, Kansas.
Q How long have you lived there? A Ever since 1865.
Q What is your business? A Laborer; I am in the ice business; have been for a year or two.
Q You mean you are the operater in the ice plant? A No, sir, we put up our own ice.
Q You are simply a laborer? A Yes, sir.
Q Were you a laborer when you knew these people on the farm? A I was.
Q You were married then? A No, sir.
Q Are you now? A Yes, sir.
Q How old were you when you knew these people? A 13 or 14.
Q Where did your parents live then? A About three miles from there.
Q Was your father living there? A Yes, sir, but they were not living together. My mother lived on her stepmother's farm.
Q Are you any relation to John Foster? A No, sir.
Q Were you born in Anderson County? A No, sir.
Q Where were you born? A In Missouri.
Q What part? A In McDonald County.
Q How long did you remain in Missouri before you moved to Kansas? A About nine years.
Q Then you were nine years old when you came to Kansas? A Yes, sir.
Q Where did you come to in Kansas? A Leavenworth.
Q How long did you remain there? A About three years.
Q Then where did you go? A To Garnett, Kansas.
Q You mean you moved to the Station of Garnett? A No, sir.
Q How near to the Station? A About 2 1/2 or 3 miles.
Q Were you employed by Mr. Campbell to work for him? A I was bound with them.
Q Bound by? A Yes, sir.
Q Did you stay there all the time then? A I was there; that was my home all the time.
Q Were you there nearly all the time? A Part of the time, maybe two or three months in the year, I was hired and would be about eight miles from there.
Q For Campbell? A Yes, sir.
Q That in Anderson County? A Yes, sir.
Q You say you were about 13 or 14 years old then? A I said I was in '67 or '8.
Q Which is it? A In 1867 I was 13 years old.
Q You were nine years old when you left McDonald County? A About that.
Q Was the war going on then? A Yes, sir.
Q And you went to Leavenworth and lived there three years? A Between two and three years.
Q Then you came from Leavenworth down to the vicinity of Garnett? A Yes, sir.
Q When were you born? A August 6, 1854.
Q And this was in 1866 you say that you saw them there? A I said in 1867.
Q The first time you saw them was in 1867? A As near as I can remember, yes, sir.
Q You didn't see them there in 1866? A I would not be positive that I did.
Q You saw them in 1867, at what time of the year? A During the whole year, from the spring to the fall.
Q Were they there in 1868? A Yes, sir.

Q Were they there in 1869? A I would not be positive; I don't know.
Q Were they there in 1870? A I don't know; I wasn't there, myself. I went to Chatauqua County.
Q When? A In 1870.
Q From what place? A Centralia City, about 10 miles from my home.
Q In Anderson County? A Yes, sir.
Q When did you leave Centralia Station for Chatauqua County?A In the spring of 1870.
Q What did you do in Chatauqua County?

Mr. Davenport: Objected to as immaterial, incompetent and irrelevant.
Commission: Objection noted.

A I farmed.
Q For yourself or someone else? A Mr. Campbell.
Q The same Mr. Campbell you said you were bound to in Anderson County? A Yes, sir.
Q Were you still bound in Chatauqua County? A Yes, sir.
Q You say you knew Nathan Duffin? A Yes, sir.
Q Did you know his wife? A I knew her, I expect, but I don't know her name.
Q Were you ever in his cabin? A Yes, sir, I have eaten meals there.
Q Where was his cabin? A Right south of where we lived on the farm.
Q On Mr. Campbell's farm? A Yes, sir.
Q When did the Duffin's move to the Campbell's farm? A I am not positive whether it was 1866 or 1867.
Q Were you there? A I was.
Q Did you see them move in on the place? A I can't answer.
Q Do you know? A I don't.
Q You are not able to say that you saw them move there? A No, sir, I couldn't say that I saw them move there.
Q What family did Nathan Duffin have at that time? A It was four or five in the family.
Q Who were they? A I couldn't tell the names.
Q Do you remember the names of any of them? A No, sir.
Q Do you remember whether they were all boys or all girls? A Part boys and part girls.
Q How many girls? A I think two.
Q You don't know? A No, sir.
Q How many boys? A Two boys.
Q Are you positive about that? A Yes, sir.
Q Do you remember their names? A ~~Yes, sir.~~ No, sir.
Q What was the business of Nathan Duffin? A Nathan, himself, farmed.
Q Did he have any other business? A He preached.
Q You say he held a meeting there? A Yes, sir, in our school house
Q Campbell school house? A Yes, sir, some called it the Simon school house.
Q How long did that meeting last? A I think about a month.
Q You say you attended it? A Yes, sir, very regularly.
Q All the time? A No, sir.
Q Did Nathan Duffin preach there during that time? A He was the leader.
Q Any other preachers? A Yes, sir.
Q Do you remember any of them? A Yes, sir.
Q What were their names? A A white man by the name of Tobridge.
Q Do you know where he is now? A I think in the penitentiary.

Q What makes you think he is in the penitentiary? A I heard he was and all the neighbors heard it.
Q Was there any other preachers there? A Not that I remember of.
Q You say you ate meals down there at Duffins, was ~~in their family~~ any other family living in any part of the house? A Yes, sir.
Q Who were they? A Mayfields.
Q White or colored? A Colored.
Q What kind of a house was it? A Double log house.
Q How many rooms? A Two rooms.
Q How much of a family did Mayfields have? A I don't remember.
Q Did they all live there together? A Yes, sir, in separate rooms, two rooms to the house.
Q How are you able to distinguish between the families then? A I could tell them apart.
Q Did Mayfield have any family? A Yes, sir.
Q How much of a family? A I don't remember how many.
Q Did he have any boys? A I couldn't say.
Q Did he have any girls? A I couldn't say; he had girls or boys one or the other.
Q Do you remember what Mayfield's first name was?

Mr. Davenport: Objected to as incompetent and immaterial. We are not trying the Mayfield case.
Commission: Objection noted. Witness will answer.

A I don't know.
Q What was his wife's name? A I couldn't say which one of them was named Nicey, but one of them was.

J. M. Johnson, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A J. M. Johnson.
Q How old are you? A 53 years old.
Q What is your postoffice address? A Garnett, Anderson County, ~~Kansas~~ Kansas.
Q Do you know the applicants in this case, George B. Duffin and his brothers and sisters? A Yes, sir, I know the boys.
Q Have you testified in this case before? A I did in the Nathan Duffin case.

By Mr. Davenport:
Q When did you get acquainted with them? A They came to our county in 1863 or the early part of 1864.
Q When did they leave that County? A Sometime the latter part of 1869, or the early part of 1870, I think 1870.

By Mr. Blue:
Q How old are you? A 53 years old.
Q Are you Alex's oldest boy? A Yes, sir.
Q What is your business? A Abstract business.
Q You used to be a travelling man? A No, sir.
Q At no time? A No, sir.
Q When you say these people came there how old were you? A I was 12 or 13 years old.
Q Did you ever visit the place where they lived? A Yes, sir.
Q Where did they live? A First at what was known as the Hales place, one mile from Garnett.
Q When was that? A In 1863 or '4.
Q Which one? A I don't know which, the latter part of 1863 or the early part of 1864.
Q Where did they next live? A On George Campbell's place, three miles southeast of Garnett.

Q How long did they live there? A Until Mr. Campbell sold the place in 1869, to Judge Spriggs.
Q Then where did they go? A I don't know.
Q What time in the year 1869 was the place sold? A Sometime in the fall.
Q What was Nathan Duffin's business? A Preacher and farmer.
Q Did he travel around and preach in different localities? A Principally in that part of the country.
Q Was he off sometimes? A Yes, sir, sometimes.
Q How many members of his family? A I don't know any except George and Frank and the old gentleman and his wife.
Q That is all you know? A Yes, sir.
Q Were you ever at his place more than once? A Probably 20 or 30 times.
Q On which place? A Both.
Q Bales? A Yes, sir and Campbell's.
Q The Bales place was near town? A Yes, sir.
Q How did you happen to go out in the country where they lived?
Q They lived on a farm that joined my uncle's place, Gibson's.
Q Did they ever to your knowledge live on the Gibson place? A No, sir.
Q That's the way you saw them? A Yes, sir.
Q You didn't make a habit of visiting them? A No, sir, except down on the creek we boys would play together.
Q You were a boy yourself? A Yes, sir.
Q Something of a boy yet, aren't you? A Yes, sir, like yourself.
Q Now, as I understand you are not positive as to dates, you know them in a general way? A There are two I remember; one when they came and the other when they lived left Campbell's place.
Q What refreshes your recollection as to the time they came there?
A At the time they all came there.
Q When was that? A Some in 1863, some in 1864.
Q Some in 1862? A Not that I know of.
Q You mean the colored people from the Cherokee Nation? A Yes, sir.
Q These people never had any farm or abiding place of their own up there? A Not that I know of.
Q What they did do was to crop, as you said? A Yes, sir.
Q They didn't have any home of their own? A No, sir, they rented.
Q During the winter season especially didn't the old man travel around and hold revival meetings? A I don't know.
Q You don't pretend to say that you know where they were all the time? A Not at all times of the year.
Q You don't make any pretention of that? A No, sir.

(Continued by agreement until July 28, 1904.)

July 28, 1904. Applicants appear in person and by attorney, R. W. Blue, and the Cherokee Nation by its attorney, James S. Davenport, and the following testimony introduced on behalf of the applicants:

MARIAH FRENCH, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Mariah French.
Q How old are you? A In my 49th year.
Q What is your postoffice address? A Lenapah.
Q Are you a Cherokee freedman? A No, sir.
Q State woman? A Yes, sir, only adopted.
Q Do you know the applicants in this case, George B. Duffin, et al.?
A Yes, sir.
Q How long have you known them? A About 38 years.

By Mr. Blue:
Q Did you know Nathan Duffin in his lifetime? A Yes, sir.
Q When and where did you first see him? A First on Snow Creek.
Q In what Nation and Territory? A Cherokee Nation.
Q In what Territory? A In the Cherokee Nation, this country.
Q Indian Territory? A Yes, sir, not in the Creek nation.
Q What is your father's name? A Stephen Little.
Q Has he been married more than once? A Yes, sir.
Q Are you a daughter of his? A Yes, sir, I was always teached that.
Q Are you a daughter of his by his present wife? A No, sir, my mother I don't know.
Q When did you first come to the Cherokee Nation? A We came here in 1866.
Q Who came with you? A My father and my stepmother, and three other children, one brother and three other men, eight persons in all of us.
Q From what place did you come to the Cherokee Nation? A We came from Leavenworth County here, Kansas.
Q When did you arrive at Snow creek in the Cherokee Nation? A On the 15th day of April.
Q Of what year? A 1866.
Q Where has your father kept his home from that time until now? A He has been there all but one year ever since we come here; one year he stayed in Newton County, Kansas Missouri.
Q When was that? A In 1874.
Q Did he have a home here while he was in Newton County, Missouri, in 1874? A No, sir, they had sold our home; the Cherokee Nation sold our home.
Q When did he return? A That same year in January, the first of the last of December.
Q Do you know whether or not your mother is on the freedmen roll, your stepmother? A No, sir, I don't.
Q Your father has been here only that short time he was away in 1874? A Yes, sir, ever since.
Q How did you happen to see Mr. Nathan Duffin at the time you say you did, did he come to your place where you were? A He came to our tent, we had no house then.
Q Did he come alone or with some one? A There was quite a bunch of men with him, seven or eight.
Q Do you know what was the occasion of their being there? A They were hunting horses they said were stolen.
Q Did you see him more than once at your father's place where he was stopping about that time? A Yes, sir.
Q How often did you see him about your father's place about that time? A I seen him once on Sunday, when he first came, and he went off and come back on a Tuesday.
Q Do you know what was the occasion of his coming back the second time? A He had stayed all night at a white man's house up the creek and the man wanted pay for his board, and he come back down there to get it.
Q Do you know whether or not he got it? A No, sir, I don't know.
Q Do you know either of the men that came with him at either of these times? A Yes, sir, but they are most all dead.
Q Who were they? A One was George Eaton, Lewis Beck, Sam Mosely, Santa Ann Nivens and Mose Smith thats dead, and old man Duffin, himself.
Q What was the business of Mr. Nathan Duffin, if you know, in his lifetime, what occupation or profession did he have? A He was a preacher.
Q After you saw him there in 1866, as you stated, did you see him afterwards in the Cherokee Nation? A He preached for us all the time.

Q Did you have a church or place of worship there about? A We didn't have no churches; in the summer time we would have a large shed and brush on it; in the winter time he preached at peoples houses.
Q What, if anything, did he do in regard to establishing a home there in 1866 or '7? A After he got over there and got acquainted, I used to go to his house.
Q Were you at his house or cabin in 1866 or '7? A No, sir, not in 1866.
Q When were you first at his house? A Afterwe had settled there, about '66, we had a school at our house, and the teacher would stay with us and they would come to school there, his children.
Q When did you first get acquainted with his children? A When they come to school.
Q That was in 1866? A Yes, sir.
Q What were the names of the children? A The he eldest one was George Butler, and Joshua and Eliza and Sarah and Henry.
Q At the time Mr. Nathan Duffin came to your house in 1866, what, if anything, did you hear him say about establishing a home in the Cherokee Nation?

Mr. Davenport: Objected to as incompetent, irrelevant and immaterial, and pertaining to be a declaration in the interest of the applicant.
Commission: Objection noted.

A I never heard him say anything; he was living there.
Q Was he living in the Cherokee Nation in 1866 when you first saw him? A I guess he was; he come from over there.
Q What time was it when you first saw Mr. Nathan Duffin there in the Cherokee Nation? A We were in the tent and corn was waist high.
Q Do you remember what month it was in? A No, sir, I don't.
Q Was your father at home at that place whereo you had located, when Nathan Duffin came in 1866? A Yes, sir, he was there.
Q About that time in the day was it?when the men that were in the party first came to your place? A It was away up in the day on Sunday and they wanted dinner.
Q Did they eat dinner there? A I helped cook dinner for them.
Q You are positive that that was in 1866? A Yes, sir, I am.

By Mr. Davenport:
Q How old are you? A I am 49; in my 50th year.
Q Where did you come from when you came to the Cherokee Nation?
A From Leavenworth County, Kansas.
Q You hadn't known the Duffin family before you claim the old man came to your place there on that Sunday? A No, sir.
Q How old were you then? A I was in my 14th year.
Q You are sure you were in your 14th year? A That is what they told me.
Q I am asking what you know? A I couldn't tell me age; it was set down.
Q Was that the way it was set down, that you didn't see him until you were 14? A I never came here, myself, until I was 14.
Q You never came to the Cherokee Nation until you were in your 14th year? A No, sir.
Q And you are in your 50th year now? A Yes, sir.
Q You are an applicant to citizenship? A Only an adopted citizen.
Q How much land did you have in cultivation when Duffin and these men came? A We had little small patches.
Q About how much? A I don't know, may have been four acres or ten acres; small patches.
Q Who did you live near at that time? A We didn't live near anyone; no one t here to live by.

Q Who were the nearest people to the place you lived at the time Duffin came to your house, as you claim? A About seven or eight miles to Osage towns.
Q Were any of your family at that time claiming that they were freedmen of the Cherokee Nation? A My stepmother claimed to be a Cherokee freedman. That's what brought her here.
Q She had heard of the treaty and came back to the Cherokee Nation?
A Yes, sir,
Q The treaty had been made and she heard that the freedmen by the treaty had got rights in the Cherokee Nation? A That is what she came home for.
Q Who else came with you at that time that were freedmen entitled to rights in the Cherokee Nation and came back to get the benefits of the treaty? A Wasn't any; a man belonged to the Creek Territory came, right in this town now.
Q You had been there, you say, and had a crop waist high or better before Duffin came? A Yes, sir, about waist high.
Q How long after he came was it, you say, until his family came? A I never seen uncle Duffin's family at all until he brought the children over to school.
Q When was that with reference to the time you saw him? A In 1868.
Q How big was George Duffin at that time? A Good big boy, a young man.
Q The other children were good big children, too, were they? A Liza was small, had a short dress, and Sarah had a short dress.
Q Did the school teacher board at your house? A Yes, sir.
Q Who was he? A Lowhe.
Q Where is he now, do you know? A No, sir.
Q Is he living? A I don't know.
Q Is there one living now that was living when you saw Nathan Duffin first on Snow creek, when you were living there, as you claim? A There was no ones there.
Q When he came down there, you say he came to see your father about getting some money to pay some fellow for staying all night? A No, sir, I didn't say that.
Q When was it he came for that purpose? A He came back in a day or two afterwards.
Q A white man he stayed with? A Up on Pumpkin Creek he said.
Q Do you know who the white man was? A No, sir.
Q How far was Pumpkin Creek fromSnow Creek? A I guess about 15 miles, or more.
Q Do you know anything about it? A No, sir, I don't.
Q They were hunting stolen horses the first time? A That is what they said.
Q Who was with Duffin? A George Eaton, Lewis Beck, George Meigs, Sam Mosely, Santa Ann Nivens and Mose Smith is what they gave as their names.
Q You were a girl at that time 14 years old? A Yes, sir.
Q And you only say this man there, yourself, one time? A Yes, sir.
Q And remember to-day the names of all of them in that crowd? A Yes, sir, because afterwards we were close neighbors and got acquainted and saw them all the time.
Q Can you remember another incident where you met the same number of people in 1866, where you can tell all the names of the parties that you saw? A Yes, sir, if necessary I guess I could tell it.
Q Name one? A They wasn't there to meet, and it was srarity to meet anyone there.
Q In a year or two after that quite a number came, didn't they?
A They came before a year or two.
Q How many got in there and were living there when you saw Duffin's family in 1868? A They come pretty fast; there was Posey Gibson, Beau Fox, Jake Ross, Joe Ross, Stick Ross and Ed Ross, all come in one bunch at one time.

By Mr. Blue:
Q Do you know anything about your age at that time, except what had been told you by your parents? A No, sir.
Q You don't undertake to swear positively that you were 14 years old then? A Nothing only what they told me.
Q You might have been less,or maybe more? A Yes, sir.

Mr. Davenport: Objected to as incompetent and suggesting the answer to the witness; she stated positively her age and said it was recorded.
Commission: Objection noted.

Q Are you positive as to your age? A No, sir, nothing more than my father told me.
Q When you state that you think you are in your 50th year now, you think it from your own knowledge or what your father told you? A I said it from what he told me; I have got it set down just as he told me.
Q Are you positive that you saw this man where your father was stopping in 1866, as you have stated? A I am sure I saw them.
Q Are you positive as to the time you saw them? A Yes, sir, I am positive as to the time I saw them.

By Mr. Davenport:
Q What portion of Snow Creek was this you located on? A It would be hard for me to tell you, unless I had a map.
Q Who were your first neighbors that come in there? A Amos Adair and Woodson Lowe and old uncle Ben Alberty.
Q And you are positive you were in your 14th year at the time you moved down to the Cherokee Nation? A I don't know; that is what my father told me.
Q He gave you the date you were born? A He said it.
Q Did he tell you what year you were born in? A No, sir, he didn't
Q You were big enough to remember when you moved to the Cherokee Nation? A We had just come there.
Q You can remember the coming? A Yes, sir.

STEPHEN LITTLE, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Stephen Little.
Q How old are you? A 80 years old.
Q What is your postoffice address? A Lenapah.
Q Are you a Cherokee freedman? A I am not.
Q Are you the father of this woman who has just left the stand, Mariah French? A Yes, sir.

By Mr. Blue:
Q When did you first come to the Cherokee Nation? A In '66.
Q To what place in the Cherokee Nation did you come? A Snow Creek.
Q You went to where you reside now? A It is about six miles.
Q How long have you resided, all together, in that neighborhood? A All the time ever since I come here; I aint been out of here not ever six months at a time.
Q You mean out of the Cherokee Nation? A Yes, sir.
Q How did you happen to come in the first instance in 1866? A I had two instances that directed me here. Irving and Jackman, traders on the Santa Fe, they got me to come down here to take some cattle, 160 head of steers, at salt lick down here to winter them, and hired me to come down here to herd them the next spring, and Irving married my old mistress' daughter, and he owned me and got me to come down to take care of the cattle, and give me $30 a month, and said being as my wife had a right here, I could do better and grow up with the country.

Q In what business was this firm of Irving and Jackman? A They were traders to Santa Fe.
Q What do you mean by that? A They carried trains across every year, 100, 200 or 300 every year, wagon trains.
Q How were those wagons pulled? A By oxen.
Q Were these cattle that you brought down oxen they had used?
A Yes, sir, and brought them here to winter until the next spring when they got fat and put them on the market.
Q When spring came did they take the cattle away? A When I got down here on Pumpkin Creek, I met a young man, what I know well, with the cattle, and Jackxxxxxx was out on salt lick. Jackman had sold the cattle at Salt Lick and Irving didn't know it and got me here to take care of them, and I met the cattle going north when I come, and I come down on Snow Creek and took a place.
Q Did you bring the cattle with you to Snow Creek? A No, sir, they were in there when I seen them; Jackman had sold them to another party.
Q When you came to Snow Creek what did you do in the way of making a home? A The first thing I done I put me up a camp, put a top on it and split legs and put up a side and covered it and put in about four acres of corn that spring.
Q On what day of what month did you reach this place where you established a camp? A In April.
Q Of what year? A '66.
Q Do you remember what day of April, 1866? A I don't; it is too long off.
Q How long did you continue at that place where you established the camp? A Seven years.
Q During the time that you were at that place on Snow Creek in the Cherokee Nation did Nathan Duffin come to your camp: If so, state all the circumstances connected therewith. A Nathan Duffin didn't come there then; there was seven men come there on the hunt of some stolen horses off of Big Creek, they said; I didn't know there was a colored man in 40 miles of me, for I seen nothing but the Indian Osages, and the first thing I knowed on Sunday morning seven men rode right up there and said some horses had been stole off of Big Creek, and they went on up by Blackhawk town and, and they went on up in there and was gone until Tuesday; they went on up some creeks, higher up on the creek about the forks of Snow creek and went on up to Big Hollow and near to where Cherryvale is-----

By the commission:
Q Were you with these men on this trip? A I wasn't with them, but they told me.
Q Then you don't know it of your own knowledge? A No, sir, only when they came back they had one horse and---
Q Just state what you know about it? A Well the next time I seen them Nathan Duffin come to my house and a man, John Lushbey, told him about me when he come to my house he wanted to get $10, for he stopped at a white man's house up there, and he thought he could stop and get up and go on, and the white man told him, "No." And he come to me and I get him $10 and I took his word of honor about paying it back.

By Mr. Blue:
Q When was that? A In '66.
Q What time in '66? A Something along, I know it was in June; the leaves were on the trees heavy.
Q Did you make any memorandum of any kind of the fact that you loaned him $10? A I didn't have to; I never would forget it; never will forget it till I die.
Q You know you loaned him $10 on that day? A Yes, sir, and he brought it back.
Q Who brought it back? A Lewis Peak.

Q When? A About three weeks, as well as I can recollect.
Q At that time, in June, 1866, did you have a crop there at that camp? A Yes, sir, had a crop there then.
Q When did you next see Nathan Duffin after you loaned him the money? A I never had any acquaintance with him and never seen him any more until at the old Duffin place two or three years after that; I didn't know where he lived then or nothing about him.
Q In your conversation on that Tuesday, when you loaned him the money, did he say anything to you about his having a home in the Cherokee Nation? A He said he was going to be a neighbor, and said I should have the money again if God spared his life, and in about three weeks he sent the money by Beck.
Q You say you didn't see him any more until a year or two? A No, sir, the next time I seen him he had a house up and was housebreaking out.
Q When was that? A Two or three years after.
Q Was that house that you speak of on his old place? A Yes, sir.
Q What business did Nathan Duffin follow? A Preached and farmed.
Q In regard to his habits, whether he stayed at one place in the pursuit of his occupation, did he preach at one location or change about? A He preached here and on Big Creek and I don't know where else.
Q Do you know anything about his preaching in the states anywhere? A I didn't; I never had seen him until I loaned him that money, but I heard of him.
Q Do you know whether or not he was a slave before the war? A I heard him say--

Mr. Davenport: We object to what he heard.
Commission: Objection noted.

Q State what you know? A I don't know whether he was or not.
Q Did you ever hear him preach? A Yes, sir.
Q Did you belong to his church? A No, sir, I don't belong to any Protestant church.
Q Did he have a church down there in the neighborhood where he resided? A Yes, sir.
Q Did you become acquainted with his family afterwards? A The boys and girls all went to school in my house.
Q Do you know them now, the boys and girls, when you see them? A I know them as well as I know my own.
Q Can you remember the names of those children? A Yes, sir.
Q What were their names? A Joshua, Butler, Sarah and Eliza.
Q Did Butler have any other name? A I never heard any.
Q Never heard him called George? A George Butler.
Q You call him Butler? A Yes, sir.
Q But his name is George Butler? A Yes, sir.
Q When was that that the children went to school at your house? A It was about, as well as I can recollect, about '73 or '4, somewheres along there, I aint sure, about '73.
Q Who was the teacher? A A man by the name of Lowhe.
Q Do you know where he is? A I don't know; I have heard them say he is out in Colorado.
Q You don't know? A No, sir, he is as old as I am; he may be dead.
Q Do you know Judge Keys? A Ask him.
Q When did you first get acquainted with him? A That was about, I expect, pretty near thirty years.
Q How soon after you came into the Cherokee nation did you first become acquainted with Judge Keys? A Well, I think about the second election, I didn't get acquainted with him the first election.
Q When was that you got acquainted with him? A I think it was something about '67.
Q Have you known the Judge ever since then? A Yes, sir, ever since then, I have knowed him.

Q Do you remember the names of any of those men that first came to your house inquiring about the horses in 1866? A I knew two.
Q Who were they? A Santa Ann Nivens and Wils Towers.
Q In regard to the school at your house, are you positive about the time when that school was going on at your house, might it not have been earlier than that? A I had built two more new houses; I had been there two or three years, anyway.
Q You mean you had been at your house two or three years? A Yes, sir, I had built two rooms and give one for the school.
Q Then if you went there in 1866, it was 1868 or '9, that the school was there? A It might have been, I couldn't keep that exactly in my mind.
Q Were there any other children attended that school except yours and the Duffin children? A There were lots of them, they had 40.
Q 40 children all together? A About 40.
Q How soon after you came there in 1866 did you begin to have neighbors there? A I had some neighbors there, Ben Alberty come that fall; Amos Adair come that fall, and Wilson Lowe.
Q What was the fact about others coming soon after that? A Lots of them come soon after that; I don't recollect; they kept on coming.
Q When the school was going on they used one of your buildings?
A Yes, sir.
Q You don't know exactly as to the time, whether it was 1868 or not?
A No, sir, I don't know exactly the time.

By Mr. Davenport:
Q Where were you, uncle, during the war? A During the war I was in the Cherokee Nation part of the time.
Q Were you anywhere else? A Yes, sir.
Q Where? A I was in Van Buren time of the fight at Prairie Grove.
Q Where were you when the war closed? A I was in Leavenworth with, when the war closed, I helped shoot off the guns the salute of the President's death.
Q Where had you lived prior to the war? A In the State of Missouri.
Q You met your wife at Leavenworth during the war? A No, sir, I met her right in this Cherokee nation on Drywood.
Q Where was that? A Seven miles this side of Fort Scott, in the Cherokee Nation.
Q How far this side of Fort Scott? A Seven miles.
Q In the Cherokee Nation? A Yes, sir.
Q When was that that you married her? A In '62; '61 caught us down here in the Cherokee Nation somewheres, and I told her I would not marry any woman a slave, and when I got to the Kansas line I married her.
Q You married her within seven miles of Fort Scott, Kansas, then, on the Cherokee Nation side? A Yes, sir, on Drywood.
Q You remained there until after the war? A She remained there until after the war, yes, sir.
Q Then you met Irving and Jackman and they wanted you to come here and herd some cattle for them? A Yes, sir.
Q And they told you your wife had a right? A Yes, sir, she always said she had a right here; I don't know.
Q Did Irving and Jackman tell you that your wife had an interest in the Cherokee property and funds and did they tell you she ought to come back? A Yes, sir.
Q Then it was after the treaty was made that you had the talk with Irving? A Yes, sir.
Q You came to the Cherokee Nation the first crop season after the treaty was made? A I come in '66.
Q Before or after the treaty? A It is after the treaty.
Q You came in April after the treaty was made? A Yes, sir.
Q And settled on Snow Creek? A Yes, sir.

Q And have been living in that community ever since? A Yes, sir.
Q When you came to the Cherokee Nation, you had a crop planted and it was nearly waist high before you had heard of Nathan Duffin, hadn't you? A Before I seen him, but I had heard of him.
Q He didn't come to your house until the crop was waist high or more, did he? A He come there in June.
Q The same year you came in April? A Yes, sir.
Q Who came with you when you came to the Cherokee nation, if anyone? A My son; there is a man here in town that come with him, Philip Caesar, and my brother, four of us come.
Q Did you bring your family at that time? A Yes, sir.
Q How did you travel? A I travelled in wagons, and come with Dock Bushyhead, and Dock Bushyhead's boys come together.
Q Was Snow Creek the first place that you settled when you come? A Never come in there.
Q What point on Snow Creek did you come to? A Right in the forks of the creeks, Verdigris and Snow Creek.
Q Near whose place now? A The nearest place to it now is Nelson Murrell's joins it.
Q What Cherokee or white man lives near you? A None.
Q Now, Uncle, near whose place now? A I don't know; I aint been there in a good while.
Q You don't live there now? A No, sir, I live five or six miles below there.
Q You don't know who ~~settled~~ owns the place you first settled? A No, sir.
Q Does Nelson Murrell's family still live on the place he settled? A Yes, sir; he is dead.
Q It was several years after you came before you had this school that you speak of? A Yes, sir, two or three years, I had built a double log house and let them have one room.
Q Who was the first Delaware you saw? A I saw lots of them; couldn't remember the first.
Q Do you remember the names of any of them? A Old man Buckler, and John Jackson, Mrs. Goodtraveller, and Mrs. Smith.
Q Do you know any of them that are alive now? A No, sir, they aint any of them living now hardly.
Q How far is Snow creek from where it empties into the Verdigris river from Coffeyville? A Something like five miles below.
Q You don't know where the Duffin family came from to the Cherokee Nation? A No, sir.
Q You had heard of the old gentleman as being a preacher? A Yes, sir.

(Continued until 1 o'clock P. M.)

(One o'clock P. M., same appearances as this forenoon.) Stephen Little on the stand.

By Mr. Davenport:
Q Who did you say came to your house the time you first saw Nathan Duffin? A I don't know as I recollect seeing anybody come.
Q Who came with him, if anyone, when you first saw him? A Lewis Beck, I think.
Q Anyone else? A No, sir.
Q Who was it that came to your house before, or came that was hunting these horses they claimed were stolen? A Santa Ann Nivens and Wils Towers.
Q Then you had seen Wilson Towers in the Cherokee Nation before you saw Nathan Duffin? A I had seen him time of the war was going on.
Q I said in the Cherokee nation? A Yes, sir.

By Mr. Blue:
Q What day of the week was it that these men came to your house inquiring about the stolen horses? A On Sunday.
Q Then Nathan Duffin came the Tuesday following that? A Yes, sir.

Q And that was the first time that you ever saw Nathan Duffin to know him? A Yes, sir, the first time I ever saw him I loaned him $10 to pay his expenses upon Pumpkin Creek to pay a night's lodging.
Q Do you mean by that that you saw him on Pumpkin Creek, or to pay for the lodging on Pumpkin Creek? A He came to my house on Snow Creek.
Q To get money to pay for the lodging on pumpkin Creek? A Yes, sir.
Q You say you were married to your present wife up at Drywood? A Yes, sir, way up there near to Fort Scott.
Q You spoke of that's being in the Cherokee nation up there where you were married? A They called it the Cherokee Nation; I don't know.
Q Who called it the Cherokee nation? A Them that belonged to the command said it was the line.
Q Do you know enough about that to know where the Kansas line is? A No, sir, I don't know anything about that.
Q You don't then absolutely know whether it was in Kansas or in the Cherokee nation, where you were married? A I don't know, but they all said Drywood was in the Cherokee Nation.
Q Who do you mean by all? A Everybody, the whole command said it was the Cherokee Nation.
Q What command were you with? A Col. Cloud's.
Q Did you talk with these men who had the cattle, yourself? A I talked with hi them myself and made the bargain myself.
Q Where were you at the time you made the bargain? A I was in Platt County, Missouri.
Q Was that before the close of the war or after? A After the close of the war.
Q How long after the close of the war? A It was the next spring? I kept the cattle for them that winter and the next spring he got me to come down here.
Q Do you know in what year the war closed? A I think I do.
Q What year? A In '65.
Q Then it was in the Spring of 1866 that he got you to come down here? A Yes, sir.
Q Did you talk with both of these partners or one? A I only talked with Irving; Jackman was in Salt Lick.
Q Did you get those cattle in your possession to bring them out here? A Never got them in my possession; I come here to do so, but met them going north; Jackman had sold them.
Q Did this young man have the cattle driving them out? A Had them on the road, going up to whisky trail, going to Leavenworth.
Q Now, you are positive that it was the spring after the close of the war that you located at Snow Creek, as you stated? A Yes, sir, I come right down and met the cattle. I stopped at the trading post and inquired how far it was to the Cherokee Nation and they told me; I come down on Snow creek and stopped Saturday night and Sunday I x went over and took this place, the first place that was ever made on Snow Creek.
Q Do you know when the treaty was made between the Cherokee Nation and the United States in regard to the sharing of property with the Cherokees by the freedmen? A I don't know positive; Irving told me that I could come here and take care of his cattle; and then I would have some money, and said my wife had Cherokee blood and said how I could grow up with the country and become to be a man, and said they had so much edge over me, I couldn'tdo much there, and said I could grow up with the country down here and be worth something.
Q Is your wife a Cherokee by blood? A Her father is a halfbreed Cherokee. Come out of---I forget the family----Thompson.
Q Is your wife on any of the rolls of the Cherokee Nation? A On none of them; I went to Tahlequah when the first beginning of the Chambers court, and they told her she was a doubtful.
Q And she never has been enrolled on any roll? A No, sir.

By Mr. Davenport:
Q Your mind is considerably clearer now than this morning isn't it?
A I don't know.
Q You didn't know the year of many things this morning did you? A I don't know.
Q Haven't you talked during the noon hour with the witnesses in this case and all of you gone over the case together? A Me?
Q Yes, you. A I didn't talk with anybody in this case.
Q Haven't you talked with George B. Duffin and Mariah French during the noon hour about this case? A No, sir.
Q Have you talked with anyone about when the war closed, during the noon hour? A No, sir, I told you to-day I was there.
Q Did you tell anybody in your examination this morning what year the war closed? A I didn't know it was asked me.
Q Did you tell anybody this morning how long you stayed in Missouri before you started to the Cherokee Nation? A No, sir.
Q Don't you know that you have talked with somebody since we adjourned at noon about how long you stayed there before you started to the Cherokee Nation? A I know I haven't.
Q You talked with Jackman and he told you to come back down here that your wife had rights here? A No, sir, not Jackman.
Q Well, Irving then? A I said this morning that Irving told me to come down here.
Q And you came upon his suggestion? A Yes, sir.
Q And you came after the treaty was made, didn't you? A I don't know exactly whether it was after the treaty or not, but he told me my wife would have rights in this country.
Q Didn't you answer me this morning in response to the question I asked you about coming before or after the treaty, and didn't you say you came after the treaty? A I don't know.
Q Have you a good memory? A Yes, sir.
Q Do you know whether or not you answered that question that way?
A I don't know.
Q You say that the first time you ever saw Nathan Duffin you loaned him $10 to pay a night's lodging? A I did.
Q You don't know where he was living at the time? A I know where he said he was going to live.
Q You didn't know when he left whether your would ever see him again
A I didn't, but I told him if he was a man as he said, I would get the money, and he said I would get it.
Q You had your home built at that time? A No, sir, but I had a right smart money.
Q Where was your trading point at that time? A Lushboy is where we traded, then right on the line, not the Cherokees, but the Osages.

WASHINGTON BLACKBURN, being first duly sworn, testified as follows:

By Mr. Blue:
Q What is your name? A Washington Blackburn.
Q How old are you? A I am about 67 years old, or 68.
Q Where do you reside? A Anderson County, Kansas.
Q How long have you resided in Anderson County, Kansas? A I have resided there ever since in '70.
Q Did you know Nathan Duffin in his lifetime? A Yes, sir.
Q Where did you first meet him, if you remember? A I first met him in Anderson County, Kansas.
Q Did you reside there at that time? A No, sir, I just went up there to meet the church.
Q Were you acquainted with him in 1866? A Yes, sir.
Q What was his business or occupation generally then? A Preacher.

Q Where was he preaching at that time, if you remember? A Down there in Lynn County, around Mound City, I stayed all night with him many a night; he preached at Rock Point, we call it, west of Mound city.
Q Did you ever talk with him at any time about having a home in the Cherokee Nation? A Yes, sir, we have both talked together about that.
Q What, if anything, did he say to you about having a home in the Cherokee Nation?

Mr. Davenport: The representatives of the Cherokee Nation object to the question on the ground that it is incompetent, irrelevant and immaterial and an attempt made upon the part of the applicants to prove a declaration of a party through whom they claim their rights to citizenship, which would be a declaration in their own interest.
Commission: Objection noted; witness will answer.

A He was talking about it and said he was going back south where he come from and seek him a home, and I told him I was, too, and we talked about it, and said we will go now right away, and I said I wasn't ready to go, and he said he was going soon, and I said I was going too after a while, and after that he went home, and I went up to his house, and he was gone; they said he had gone on down south to seek a home.
Q In what year was that? A In '66, in the same year in the Spring; this was in March when he was there preaching.
Q About when was it he told you he was going south to seek a home? A Along early in the Spring of '66, along in March, in the Spring.
Q When were you over to his place after that? A I was over there, I don't know what month whether it was August or July; wasn't anybody home but the two boys, and they said the father had gone south.
Q What were the boys' names? A One was named, I can't call his name now.
Q Have you seen any of the boys since you come here to-day? A I seen one that I took to be him by his forehead.
Q Can't you think of his name? A Nathan, I think; I aint sure; I have very poor recollection about calling names.
Q Is his name George? A (No response).
Q Do you remember the names of the children? A One was named George and if this is the one, I don't knew.
Q Do you remember the names of any of the rest of them? A No, sir.
Q After he told you he was going south to seek a home in 1866, when did you next see Nathan Duffin? A Never saw him any more; when I went to his house, they said he was gonex south, and I never saw him any more.
Q Did you know anything about the boys of the family being back up at Garnett or about there after that? A Yes, sir, I seed the boys up there, but I never saw Nathan, nor his girls after they left.
Q What were the boys doing up there about Garnett? A The first time I seed them after Nathan was gone, they were there on the farm at the Campbell's, and one I think was going to school after that.
Q Do you know where he went to school? A I don't know; up at Lawrence or somewhere.
Q How frequently did you see the boys up there about 1866? A I can't say that, because sometimes I wasn't there for two or three weeks or a month or two; I saw them a time or two after that.
Q What were they doing when you saw them? A The last I saw one of them was there seeing about going to school.
Q Do you remember when that was? A No, sir.
Q Before that time you say they were at work on Campbell's farm, what were they doing? A Working on the farm the old man had lived on.

Q Do you know anything about who had that farm leased or anything about that at that time? A No, sir, I don't know forcertain whether it was the old man or the boys.
Q Did you know a man by the name of Mayfield at that time? A I ought to; he raised me.
Q Do you know whether or not he had it leased at that time? A He had that some way; I don't know the best of my acknowledgement Mayfield leased it in the first place.
Q You don't know much about the leasing business, anyway? A No, sir.
Q The boys were simply working there in the crop season? A Yes, sir.
Q Do you know what year that was they worked in the crop? A That was along in '68, I think it was, the last time, if I aint mistaken.
Q You don't remember about the years? A No, sir, it might have been the same fall of '66.

By Mr. Davenport:
Q Your postoffice is what? A Garnett, Kansas.
Q How far do you live from this Campbell place that Nathan Duffin was living on when you first got acquainted with him? A It is not far, not over two miles.
Q How far did you live from the Campbell place at the time you got acquainted with him in 1866? A I lived in Lynn County then.
Q How far were you from there? A Must have been close o on to 25 miles.
Q As I understand you Nathan Duffin was never at your house but one time in 1866? A I don't know; I didn't say he wasn't or was.
Q Was he there more than once in 1866, at your house in Lynn County?
A I couldn't say that he was there over once in '66.
Q Once then in 1866 when he was at your house he had a conversation with you in which he said he was coming back south to get a home?
A Yes, sir.
Q That was in March or the Spring of 1866, you say? A Yes, sir.
Q When did you next see Nathan Duffin after that time, if at all?
A I never saw him any more after that.
Q Had you ever been over to Garnett prior to the time you saw him there at your house in 1866? A Yes, sir.
Q Had you ever been to the Campbell, or Johnson's, place there near Garnett? A Yes, sir.
Q Had you ever been to Nathan Duffin 's house before he came to your house in March, 1866? A Yes, sir.
Q Then you went over, you say, in July or August, 1866, to the Duffin place and somebody told you Duffin had gone south? A They said he had gone.
Q That was in July or August, 1866? A Yes, sir.
Q His family at that time was living on the Campbell place, near Garnett, Kansas? A I saw the boys there.
Q Do you know whether or not he had a wife and daughters? A He had two.
Q You were acquainted with them? A Yes, sir.
Q Did you go to his house? A Yes, sir.
Q Can't you tell me whether or not the wife and daughters were there when you went there? A The last time I went they were not there.
Q Did the boys tell you where the wife and daughters were? A I asked them where was Nathan and they said he went south.
Q You are positive that that was in July or August, 1866? A Yes, sir.
Q Don't you know that George B. Duffin's testimony and all that have testified in his behalf don't claim that the mother and the daughters came south in 1866, with the father, but that Nathan Duffin came alone, so far as his individual family is concerned?

Mr. Blue: Objected to on the ground that it is not proper

cross examination, for the reason that it is assuming something in regard to this testimony which I don't understand to be true, and for the further reason that it is wholly incompetent, immaterial and irrelevant and not proper cross-examination.

Commission: Objection noted; witness will answer.

A No, sir, I don't.
Q You don't know of your own knowledge when the family left Garnett, Kansas? A No, sir.
Q Do you know Thomas Foster; a man who was raised by old man Campbell that owned the place on which the Duffin's lived in 1866? A I do.
Q Do you know George Campbell? A Yes, sir.
Q How long have you known them? A I have known them about as long as I have known any of them about Garnett; that is George, Tom I don't know.
Q Tom Foster, I am speaking of? A I don't know him personally.
Q Did you know Tom Foster's mother? A No, not to really know her.
Q Old man Campbell raised the two Foster boys, or they worked there for him a long time, didn't they, after the war?

Mr. Blue: Objected to for the reason that it is not proper cross-examination, is incompetent, immaterial and irrelevant and does not serve any purpose as testimony in this case.

Commission: Objection noted; witness will answer.

A They might have been working for him, but to say I knew the boys, I don't.
Q When you went up to the Duffin home there in July or August, 1866, were they living then on the Campbell place? A Yes, sir, right on the Campbell place.
Q Was anyone living with them or in adjoining house? A There was somebody, but I don't recollect who.
Q I believe you say you were raised by Mayfield? A Yes, sir.
Q Didn't Mayfield live on the Campbell place when you went up there that time and saw them? A Yes, sir, went to live there.
Q Wasn't Mayfield living on the Campbell place in 1866, or at least the time that Duffin and his family lived there? A Yes, sir.
Q How far apart? A I don't know.
Q Were you ever at the Mayfield home? A Yes, sir.
Q Were you ever at the Duffin home? A Yes, sir.
Q Isn't it true that it was a double log house and that one family occupied one room of the house and the other family the other? A That may be; I don't know.
Q You were there? A Yes, sir.
Q Were they living that way when you were there? A I don't recollect whether they were or not.
Q You don't recollect much about it then? A Not any more than what I have said.
Q Which family moved away from the place first the Mayfield or the Duffin family: A I couldn't say.
Q Do you know of your own knowledge when either or the families moved off of the Campbell place? A No, sir, just to come to the date, I don't know.
Q The next thing you knew of them after you were up there this time in July or August, 1866, you saw one of the boys up there working on a farm? A Yes, sir.
Q And you saw one of them that you learned had been going to school? A Yes, after that.
Q That was several years after that, wasn't it? A I never kept no record; I don't know.
Q But you remember distinctly 1866? A Yes, sir.

Q Can't you remember another year as well as 1866? A I suppose I could.
Q What year was it them that you saw the boy up there when he said he had been going to school? A I don't know exactly; couldn't say.
Q How big a boy was he at that time? A A good sized boy.
Q Was it as late as 1868 or '9? A I would not be positive, I don't know.
Q You were not up to the Campbell place later than July or August, 1866? A No, sir, not to say a visit, I might have been.
Q You didn't help the old man Duffin hold a protracted meeting up there that fall? A No, sir, I think not; might have been.
Q How old were you at that time? A Don't know exactly; never knowed my age; people them times never give my age, how old I was.
Q Wasn't the Duffin boys up there at Garnett when the railroad was built in there? A Wasn't no railroad there when I seen them.
Q Weren't they living there when the railroad was built there? A Not to my knowledge.
Q Were you at Garnett about that time? A I was at Garnett long before the railroad was.
Q Were you at Garnett when the railroad come there? A I was when they built the Missouri Pacific.
Q Is there another one there? A Two others there.
Q Which was the first road built in there? A I don't know exactly, but I think the M. K. & T. built there first.
Q Where were you living when the first railroad there built to Garnett, Kansas, the first railroad built there after the war? A I was living in Lynn County.
Q You hadn't moved up to Garnett? A No, sir, I think not.
Q When did you first find out that you were going to be a witness in this case? A I found it out yesterday about half past three, I think it was; I didn't know what the case was, nor nothing about it.
Q They didn't tell you what case they wanted you to testify in? A No, sir, just wanted me down here to testify in a case.
Q No one asked you what you knew about it? A No, sir.
Q And brought you from Kansas down here to testify without talking to you about it? A Never had no conversation about it.
Q Any with anyone? A No, sir.
Q How did they know what you were going to testify to? A I don't know.
Q They didn't ask that you would testify in any case? A All that was asked me, was I acquainted with Nathan Duffin, and I told him I ought to be; I waited 12 months for him to baptize me, and he come south and has never baptized me yet.
Q You never saw Nathan Duffin in the Cherokee Nation? A No, sir, I never.
Q Never saw any of his family before to-day in the Indian Territory, did you? A No, I wasn't particularly acquainted; I saw old man Nathan down preaching at the camp meeting when I was small.
Q When was that? A Before the war.

By Mr. Blue:
Q Are you a citizen of the Cherokee Nation? A I was born and raised here.
Q Were you taken out of here during the war? A Yes, sir.
Q Did you ever return to the Territory afterwards until now? A I came down, I think in, either in the fall of 1866 or 1867, down on Big Creek with old man Peter Ward and Joshua Ward, Abrham Ward and Peter Meigs.
Q You are a citizen of Kansas now, are you not? A Yes, sir, been living there all the time.
Q You say you did hear the old man Nathan Duffin preach in the Territory when you were a boy? A Yes, sir.

Q Then after that when did you next hear him preach? A The next time after that I heard him preach in Mound City.
Q Lynn County, Kansas? A Yes, sir.
Q After he left you in Lynn County, as you stated, you never saw him any more? A Not after he was at my house and was talking about coming down here.
Q That was 1866 you saw him the last time? A Yes, sir.
Q Can you name the names of the roads that are now running into Garnett? A Missouri Pacific and the K & D and the Southern Kansas, the first road that was built.
Q While ago you said the M. K. & T.? A Sometimes I call it that, but we call it the Southern Kansas.
Q Do you remember when the Missouri Pacific was built in there? A I couldn't say the year, but we worked on it.
Q Do you remember when the K N & D was built there? A I couldn't say what year it was in; I worked on it from Garnett to Topeka.
Q Which of the three was built last? A Topeka road.
Q K N & D? A Yes, sir.
Q The other you say is the Southern Kansas? A Yes, sir.
Q Used to be called the L L & G? A Yes, sir.
Q Do you remember when that road was built into Garnett? A No, sir, I don't remember exactly what year.

GEORGE B. DUFFIN, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A George B. Duffin.
Q How old are you? A About 51; I was born in 1851.
Q You are one of the applicants in this case? A Yes, sir.

By Mr. Blue:
Q When did you say you were born? A In 1851.
Q What is your business? A I am a farmer now; have been a minister
Q In what church? A A M E Church.
Q Are you a son of Nathan Duffin? A Yes, sir.
Q Who were your sisters and brother? A Sarah Moss, Eliza Keys and Joshua Duffin; Henry Thornton is our halfbrother.
Q He is not involved in this case? A No, sir.
Q Did you hear the testimony of Mr. Campbell and Mr. Foster and Johnson given in this case? A Yes, sir.
Q Have you read the testimony of the two Johnson's given in this case before? A Yes, sir.
Q I want you to tell the court all about the question of when Nathan Duffin, yourself and when he came his family came to the Cherokee Nation after the war, and how long they remained here and any and all the facts connected with it? A In the Spring of 1866 he came down with a number----
Q Who came? A Father, Nathan Duffin, came down with a number of others to select a place and he left his family on this Campbell farm, where we were farming and I and brother made the crop that season and he came back after selecting a home and in the fall of 1866 sold his farm and came to the Territory.
Q You say he sold his farm? A I mean his potatoes, his corn, his produce, etc.
Q Where was that corn and produce situated? A On the Campbell farm.
Q In what place? A OnPottawatomie, I believe the creek is called, about two miles east of Garnett.
Q In what County and State? A Anderson County, Kansas.
Q After he sold out his interest in the crop there what did he do, and what did the family do? A He loaded his wagons in the fall and came to the Cherokee Nation, Indian Territory.

Q Who came? A Father, Nathan Duffin.
Q Who of the family came? A All of the family; father, mother, and the four children; two boys and two girls.
Q Did any other family or person come with him that time other than the family? A No, sir.
Q When did Nathan Duffin and his family reach the Territory? A In November, fall of '66.
Q What did Nathan Duffin and his family do at that time? A He selected his home and went to building as soon as possible.
Q What had he done in the Spring Spring, if anything, in the way of selecting a home? A He selected a home first on Grand river with the crowd he came with; then he was better informed that it would be a better life to live, better country for him to move out on the west of Grand river.
Q Where did he locate his home? A On Big Creek.
Q When did he locate it there? A In the fall of '66.
Q What did he and his family do after selecting the home there on Big Creek? A Went to digging around and are still there yet.
Q Have any of his family or he ever had any other home than that? A No, sir.
Q Is he living now? A No, sir, he is dead.
Q Where did he die? A On Big Creek, in the home we live in.
Q The same place he selected in 1866? A Yes, sir.
Q After selecting that place and digging around there what did you do in the way of putting up a house? A We went to work and built a log house and put some logs on it and went to work.
Q Did you build and complete a house there? A We put up a double log house first and didn't finish covering but one.
Q Did you finally finish that house? A Yes, sir, and covered it the second time with boards and rips.
Q Do you know George W. Lynch, Wash Lynch? A Yes, sir.
Q Did you hear him testify in this case? A Yes, sir.
Q Do you remember his having come to your father's house on Big Creek, as he stated? A Yes, sir.
Q Do you remember when that was? A I am not positive, but to the best of my memory it was the following spring, him and Art Williams; the reason I remember him Art Williams is the man that was selected as a delegate to go with father to Washington on freedmen business, and it was Lynch and Williams that come there that day.
Q Do you remember what month it was in that they came there? A I think it was in February.
Q How long had Nathan Duffin and his family been living at that place when Wash Lynch came there? A We built it in the fall and the following Spring they came there.
Q Do you mean to say by that that you built it in November and were there in February when they came there? A Yes, sir.
Q After Nathan Duffin and his family moved down there did either of the girls return to Kansas any more? A No, sir.
Q Where have they resided since that time? A At home until they married and aint been anywhere yet; Sarah Moss lives on her place and Eliza Keys lives close to the old place.
Q In what Territory or Nation? A Cherokee Nation, Indian Territory
Q Have either of the girls ever resided out of the Cherokee Nation anywhere? A No, sir.
Q Since they came here in November, 1866? A No, sir.
Q Now about the boys, what was their course in regard to living in the Territory after Nathan Duffin and his family located on Big Creek, as you stated? A After we got located, of course everything to live on was scarce and we lived around, and I and my brother went back up to Kansas where we had lived and worked there, and worked with our teams and came back home.
Q Where were you on the 28th day of June, 1898? A All at home on Big Creek.

Q How long had you been at home there, you and your brothers and sisters, on the 28th day of June, 1898, without having been out of the Territory? A I really couldn't say; the girls had never been out; of course, myself, I travelled and preached a good deal about up in Kansas and went to school up there two years.
Q While you were travelling and preaching and going to school did you have a home in the Cherokee Nation? A Yes, sir.
Q How about your brother Joshua? A He had his home here.
Q During all this time since November, 1866, did either your brother or yourself ever vote in any of the states? A No, sir.
Q Or ever exercise any rights of citizenship in the states? A No, sir, I wasn't old enough.
Q Did either you or your brother or the girls ever have a home in any of the states? A No, sir.
Q During all this time? A No, sir.
Q Have either of them ever had a home anywhere else than the Cherokee Nation at any time? A No, sir.
Q Where were you at school? A Baker University.
Q What county in Kansas? A Douglas County.
Q What city? A Baldwin.
Q How long were you at school? A Entered in '82 and left in '84.
Q During that time did you return to the Cherokee Nation? A Yes, sir, every commencement.
Q During that time you kept your home in the Cherokee Nation? A Yes, sir, had a farm in the Cherokee Nation on the Verdigris River, at the mouth of Possum Creek.
Q For what purpose did you and your brother go back into Kansas after you came here in 1866? A We went back to work and to get provisions to help our family to live; our horses got stolen the following spring after we came down, and we had nothing to make a living with, and we had to work out and help father make a living for the family.
Q As between the Cherokee Nation at that time and Kansas, which was the better place to find work and get good wages? A In Kansas, there was nothing here to do, nothing here but wolves and deers and we had no guns to kill them with.
Q Did you have any other purpose for going back there, except to make money for the family? A That is all, except to go to school.
Q How long was the longest time that either of you were in Kansas at one time after you located in the Cherokee Nation in November, 1866? A The longest period that I think any of the family ever stayed there was about nine months; I would stay during school and come home.
Q When you were working what was the longest period of time any of you remained up there after November, 1866? A I would stay a couple of months sometimes and sometimes 2 1/2 months; I don't think we exceeded two or three months at any time.

By Mr. Davenport:
Q You were how old when the war closed, George? A I don't know; we didn't know anything then.
Q Do you know anything now? A Yes, sir.
Q How old are you now? A 51.
Q How long has the war been closed? A It has been closed about---
Q 39 years, hasn't it? A It closed in '65.
Q Hasn't that been about 39 years? A I expect so.
Q You have testified once or more times before in this case, haven't you? A Yes, sir, ever since the Wallace Court.
Q Did you mention before the fact of your going up there for better wages? A When I was asked I did.
Q You were represented by counsel then when you gave testimony, were you? A Before this court?
Q Yes, before this present Commission? A I don't know really, I think Mith and Mellette made the representation to some extent.

Q You were living near Garnett, Kansas, when the war closed?A I think we were living right in about 2 1/2 miles of Garnett at the time of Price's raid; we were living near Garnett, Kansas, when the war closed.
Q Are you the oldest one of the children? A No, sir.
Q Which is the oldest? A Brother Henry and Joshua.
Q On whose farm were you living when the war closed? A We were living on what was known as the Rumley farm.
Q How far from the Campbell place? A About four miles.
Q What year did you move on the Campbell place? A Immediately after Price's raid; it was in '65.
Q How many crops did you make on the Campbell place? A One.
Q You moved there in 1865? A We left the Rumley place immediately after Price's raid in '65.
Q What crop year was it you made a crop on the Campbell place? A '66.
Q Your father or some of the members of the family had a lease on the Campbell place? A No, sir.
Q Who was it had that lease? A Thomas Mayfield.
Q Mayfield lived on the Campbell place, too, didn't he? A Yes, sir.
Q In adjoining houses to your father? A Yes, sir.
Q Did you know Tom Foster that old man Campbell was raising at that time? A Yes, sir.
Q Did you know his mother? A No, I wasn't well acquainted with his mother.
Q You have seen her? A Yes, we always called Campbell&s wife his mother.
Q But you knew he had a mother that lived near there? A Yes, sir, but I wasn't acquainted with her.
Q Didn't you see her? A No, sir.
Q Do you remember when she got married? A No, sir, didn't know she was.
Q You saw Tom Foster here the other day? A Yes, sir.
Q And George Campbell? A Yes, sir.
Q And heard them testify? A Yes, sir.
Q Col. Blue asked you if you heard them testify and you answered, "Yes, sir?" A Yes, sir.
Q You heard Ann Sanders testify the other day in your behalf? A No Ann Sanders testified for me.
Q Was it Nan? A No woman at all to my knowledge testified in our case when we were here before; Lynch did, but no woman didn't.
Q You wasn't here then when she testified? A I was here when they had her on the stand, but not in our case.
Q You heard her testify, didn't you? A I know she was here, but I don't think I heard her testify.
Q When was it your father came to the Cherokee Nation after the war to locate this farm of his? A In '66.
Q When your father came? A Yes, sir.
Q Was it in the Spring he came to locate the place? A In the Spring he made his first trip.
Q Did he come in the Spring of 1866 for the purpose of locating him a farm in the Cherokee Nation? A Yes, sir.
Q Was that the time you say he located a farm for himself and family on Grand river? A Yes, sir.
Q Then I understand you to say that your father came to the Cherokee Nation in the Spring of 1866 for the purpose of locating him a farm as a freedman citizen of the Cherokee Nation? A Yes, sir, that is the way you understood me.
Q And that he went back, and later in the year of 1866, he moved his family down? A Yes, sir.
Q Who were with him on that first trip? A I couldn't remember; Thomas Mayfield was one, and my brother Henry, the spring visit you mean?

Q Yes, sir. A Thomas Mayfield, brother Henry and I don't remember.
Q Wilson Towers was along? A No, sir.
Q When did he come with him? A He didn't come with us.
Q Do you know whether or not you were in the Cherokee Nation at the time that your father came down and went over to old man Steve Little's and borrowed $10 to pay for a night's lodging to a white man up there? A Yes, sir, I was right up here on Big Creek.
Q What year was that? A It was in the following, it was '66, the following spring after we settled the place.
Q Tell me the year; I wasn't asking anything about the spring and fall? A I guess that must have been in the early spring about in '67, I am not very positive, but it was the following spring that our horses were stolen, because they stole one of my mares.
Q Then old man Little is mistaken when he says it was in the summer and corn was waist high when they come there, is he? A He testified that corn was waist high, but I don't know how high corn was; it was planted I know; we had planted and we were quite late getting our corn in.
Q Had you seen Wilson Towers at that time in the Cherokee Nation that your father borrowed the $10? A I never saw him; the crowd come there and went in search of the horses; I am told he was in the bunch; Sim Rogers and Sam Mosely, better known as--- and Mose Smith; I wouldn't go on to state any more.
Q Where was Santa Ann Nivens? A I believe he was there; I aint positive.
Q As I understand you, George, them, old man Little and the parties who testified this morning to your father's coming to his house in the summer of 1866 to get this money to pay a night's lodging, are mistaken as to the year? A It was the following spring that our horses were stolen; they must have been mistaken, because it was the following spring; we came in the fall and the following spring our horses were stolen.
Q Is it true or not true as testified by old man Little in your behalf this morning that when your father came there and got the $10 to pay his board bill that he was there for the purpose of locating a home and that he was going back to move his family down? A He didn't have to move us here; we were located already on the creek; it was on Big Creek that our horses were stolen.
Q What creek did you locate on first in the Cherokee Nation? A Big Creek.
Q Near whose place? A No place.
Q Who was living on Big Creek, if anyone, when you, your father, brothers and sisters came to the Cherokee Nation? A There wasn't no Indians; the Delawares came after we settled the place; the Falleaf town was built right below us on the Creek. The nearest colored family that lived near us was Andy Daugherty and on further down about six miles Samuel Webber and this Samuel and Wilson Towers and old man Caesar Smith and several others I haven't time to call.
Q Did Wilson Towers live there on the creek when you moved to the Cherokee Nation? A Yes, sir, west from the old man Webbers place.
Q He came then before you and your fatherand family came? A They were there when we came.
Q How long after you settled did the Delawares come? A It must have been a little over a year.
Q Had you made a crop in the meantime? A Yes, sir.
Q Who of the Delawares first moved into your neighborhood? A Old man Falleaf is the only man I know.
Q Were there any others? A Yes, sir, quite a town of them.
Q How long did they live there near you? A Perhaps a year; quite a bit.
Q Can't you think of anyone else but Falleaf? A Yes, sir, his boys.
Q What were their names? A George.

Q The old man is dead, himself, isn't he? A Yes, sir, and George, too.
Q You think of no living Delaware that come there after you did?
A No, sir, I don't know them; I guess they are all dead. The old man and George is.
Q How about white men? A Wasn't any there when we come.
Q Well, the colored people? A I have told you all there was there.
Q You are positive that Wilson Towers was living there on the creek when your father came to the Cherokee Nation? A They were all there.
Q Do you know W. M. Johnson? A Yes, sir.
Q You read his testimony as to how long you people lived there at Garnett? A Yes, sir.
Q He is a citizen of the State of Kansas? A Yes, sir.
Q A white man? A Yes, sir.
Q He has occupied several positions there in the county, hasn't he, since the war? A I don't know; I don't know the Johnson's very well.
Q Do you know George Campbell who testified in this case? A Yes, sir.
Q And Tom Foster? A Yes, sir, Johnson knows me a little better than I know him.
Q He seems to know you quite well? A Says he does, but he don't.
Q Have you made any effort to get any of these white people around Garnett, Kansas, where you lived at the close of the war, to testify in your behalf? A No, sir.
Q Have you called on any of them to ascertain from them the date that your father and family left Garnett? A No, sir.
Q The last crop that you claim you made, then, wasmade in the year 1866 on the Campbell place? A Yes, sir.
Q How long did you leave Garnett before the railroad was built, in there? A There was no railroad there when I left, as I remember; I don't remember.
Q Is it true or not true that you and your brothers helped haul ties for the construction of that road? A It is untrue; there was no railroad there.
Q Then Mr. Johnson is mistaken when he swears that you and your brother hauled cross-ties by his house most every day while the construction of the road was going on? A Yes, sir, he mistaken.
Q Was there any colored people that you knew lived near Garnett, Kansas, in 1866? A Yes, sir.
Q Do you know whether there are any of them living? A There was the Beam family, our nearest neighbors; Thomas Mayfield lives on Grand river.
Q Were there none of the state raised people there? A No, I believe there were no state raised niggers living near there; they were all Injun niggers; I was just going to give you a number of them; there was Sandy Beam---
Q Where is he living now? A He is dead; his boys are living.
Q Who are his boys? A Joe Beam, Tobe, Arthur, Jake; there was the Adams'; Jee Adams; he came on down here.
Q Where is he now? A Dead; Gag Adams, he is living there now.
Q In Garnett? A I suppose he is.
Q You haven't even seen him? A Didn't have to.
Q You didn't much want to go there without police, did you? A Didn't think I had to.
Q You did go up there to another town 25 or 30 miles away to get a fellow to swear what your father told him? A No, sir.
Q Didn't you send for this man? A No, sir, some of the family did.
Q You knew it? A No, sir; you fellows sent for them.
Q We sent to the place where you lived to get them? A Yes, sir.

Q And we didn't try to get fellows who were on the doubtful or straight cards, either? A I don't know.
Q Don't you know that the Cherokee nation went to men who were new-citizens and who had never lived in the Cherokee nation and who had no interest one way or the other in the result of the cases? A Yes, after they came I knew it.

By Mr. Blue:
Q As a matter of fact, George, neither you nor your associates in this case went to a town 25 miles away to get a witness, did they? A No, sir.
Q Mr. Blackburn, who has been offered here as a witness, lives at Garnett, doesn't he? A Yes, sir.
Q And he has come from Garnett here to-day or yesterday? A Yes, sir.
Q Coming back to the date when you came down to the Cherokee Nation, that was--------

Mr. Davenport: We object to going over that again and again.
Commission: I think that point has been gone over thoroughly.
Mr. Blue: They have misled him, and I think we ought to go over it again.
Commission: Proceed.

Q When did you first come back here to the Cherokee nation? A In the fall of '66, we moved.
Q When did your father start from up there to come back here? A In the Spring of '66.
Q Now, do you know whether or not at that time your father and those that were with him lost some horses? A At the time they returned back.
Q When he first came down here in 1866 to make his first selection do you know whether they lost any horses at that time or not? A No, sir, I don't know.
Q Did you hear the testimony of this old gentleman, Steve Little? A Yes, sir.
Q Did you hear what he said about the date when your father first came to his house? A Yes, sir.
Q Do you remember what he said as to when he loaned him that money? A Yes, sir, he said it was in the Spring of '66, to my best recollection.
Q You think it was in the Spring of 1867? A I think it was, because we came here in the fall of '66, and our horses were not stolen until the following Spring, and it must have been '67.
Q What, if anything, do you know of your own personal knowledge about Mr. Little's making him a loan of money? A I knew that father sent the money back, but I forget by who, and he told the family that he borrowed $10 to assist him in the search for the horses, and I knew he sent it back to Mr. Littles; I didn't know who it was, but afterwards I formed an acquaintance with him.
Q Were you there when the money was borrowed? A No, sir, I was at home then.
Q Then you were not present at all when he went to Mr. Little's and got the money? A No, sir.
Q Don't claim to have been? A No, sir.
Q And what you know about that loan is what your father said about his starting money back to Mr. Little? A Yes, sir, that is all.
Q You think that was in 1867? A Yes, sir, that is my best recollection; I think the old man made a mistake.
Q But you do know that your father and his family were in the Cherokee Nation at their home in November, 1866? A Yes, sir.
Q And that home has been there ever since? A Yes, sir.

Q You spoke of W. A. Johnson, do you know whether he is living now? A I heard he was dead.
Q Do you know what his profession was? A No, I don't know, but I heard.
Q Wasn't he a lawyer? A Yes, sir, we always called him Lawyer Johnson.
Q To you knowledge did he ever visit your father's home at any time while he lived in Kansas? A No, sir, not as I know of.
Q To your knowledge did he have any acquaintanceship with your father in Kansas? A I know more of him through father than anyone else.
Q Did you boys and girls have any acquaintance with him? A No, sir.
Q Were you and Joshua up in Kansas in 1870, at any time, at work there at anything, or either of you? A Yes, we worked around there in '70 and was back up there working so much I really couldn't tell, but I know that I and my brother were working up there in Kansas when the L L & G made its first arrival in Garnett.
Q Is that the road that they called the Southern Kansas afterwards? A I suppose, we always known it to be the L L & G; it may be called the Southern Kansas.
Q Did you or your brother, or both of you, haul cross ties at any time for any railroad? A No, sir, never hauled a tie in Kansas in my life.
Q During the time that you worked, as you stated, up there, did you work any on crops of corn for farmers? A Yes, sir, we cut up corn some years, and done anything we could get hold of; I remember we cut up corn for people.
Q Did you work together up there or separately? A Sometimes together and sometimes we didn't; I always wanted to be with brother, because I was younger and when we could get jobs together we went together.
Q You thought about this work proposition before you were cross-examined, hadn't you? A I had, yes, sir.

By Mr. Davenport:
Q What year was it you and your brother were back in Kansas at work? A It was from the time we came back, from the Spring of '66 until we could do better; I couldn't say specially--
Q What kind of work? A Anything we could get to do.
Q Can't you tell me anything? A We cut corn.
Q For whom did you cut corn? A I can't remember; it has been a good while ago.
Q Can't you remember a single man you cut corn for before or after you came to the Cherokee Nation, if you cut at all? A I cut for Gibson.
Q How far did Gibson live from Garnett, Kansas? A Adjoining farm to the Campbell farm.
Q Who else did you work for and what kind of work did you do? A I wouldn't go to work and tell you every man and what kind; it has been so long.
Q You remember everything you did in 1866? A Yes, sir.
Q Then why can't you tell about some other year? A I can't say that I am able to tell every man I worked for; I didn't make any memorandum.
Q Did you make any memorandum of the year 1866? A I did not. I guess you all knew Dr. Miller.
Q I didn't. A He was a man that came around through Kansas and was telling freedmens that there was a treaty made and if they would come back at once they would get homes and would enjoy the same privileges and immunities as Cherokees; father was preaching and travelling and came home and told him he believed he would take his family and go back to the Nation, that he had seen Dr. Miller in

Fort Scott and he said that if he would go back he would get rights the same as Cherokees.
Q Don't you know that you have testified in the last half hour that your father came to the Cherokee Nation in the Spring of 1866, for the purpose of locating him a farm and getting him a home? A Yes, sir.
Q Don't you know that that was months before the treaty was made, giving freedmen rights in the Cherokee Nation? A I don't know; I know he came back in the spring of '66, and if he got here before the treaty was made he got here too soon.
Q Don't you know he didn't say anything about coming back to get a home in the Spring of 1866? A Of course he did.

By Mr. Blue:
Q You do know, as a matter of fact, George, that your father, Nathan Duffin, with him family, all come to the Cherokee Nation and located in November, 1866? A Yes, sir.

Mr. Blue: Applicants close their testimony up to this time, so far as I know; if there is other evidence to be introduced, I want the privilege of cross-examination and rebuttal.

Commission: It has been the custom of the Commission to introduce in these cases the testimony in other cases, that throw any light upon the facts.

Mr. Blue: What I want to save in this case is my right to object to the introduction of the records in any other case, on the ground that it is incompetent, immaterial, irrelevant, denies to the applicant the right to cross-examine the witnesses who have testified in these cases, and precludes him from an opportunity to rebut the testimony of the witnesses offered in said case or cases. And if said testimony, records or decisions in said cases are tendered and admitted, I then desire to offer a motion to strike from the record and testimony in this case all of said records, testimony and evidence in said case or cases admitted, for the reasons set forth in the objection to their admission, and if said testimony, decisions and records in other cases are admitted the counsel for applicants then demand the right to cross-examine the witnesses who have testified against them and to rebut any testimony, evidence, documents or decisions so admitted against them.

Mr. Davenport: The representatives of the Cherokee Nation, in view of the fact that the testimony of George B. Duffin shows that Wilson Towers was on Big Creek when he and his father's family returned to the Cherokee Nation, desire that the Commission make reference to the case of Wilson Towers, which was formerly F D 466, but now F R 276, that reference be had to same in making up the decision in this case.

Mr. Blue: To which counsel for the applicants in this case enters the objection, as stated above, he desired to offer to the introduction of this character of testimony, and in addition thereto objects because the decision and the testimony upon which it is based is incompetent, irrelevant and immaterial and is an attempt to impeach the testimony of George B. Duffin without having called to his attention the testimony he had given in said case, or that any other witnesses in said Towers case had given in opposition to his testimony in this case, and counsel for applicants, if said decision and testimony in said Towers case is admitted by the Commission, moves, for the same reasons and objections above given, to strike said decision and the testimony therein offered herein, from the record in this application, and if said motion is overruled by the Commission and said decision and testimony is considered herein, then counsel for the applicants requests that opportunity be given to cross-examine the witnesses in said case whose testimony affects the testimony of George Duffin herein, and that the said George Duffin

have opportunity to rebut the testimony of said witnesses whose testimony is used herein for the purpose of impeaching and affecting the testimony of George B. Duffin.

Commission: The statements, motions and objections of the counsel in this case will be noted and made a part of the record herein, and this case is now considered closed. The applicants' attorney will be given 15 days in which to file argument in this case, a copy of which they will be required to furnish the attorneys for the Cherokee Nation.

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H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

H M Vance

Subscribed and sworn to before me this the 4th day of August, 1904.

Wm G Martin Jr.

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of George B. Duffin,et al. for enrollment as Cherokee Freedmen, consolidating the applications of

George B. Duffin,.....Cherokee Freedmen D 505
Sarah Moss et al.....Cherokee Freedmen D 506
Eliza Keys.....Cherokee Freedmen D 507
Joshua Duffin.....Cherokee Freedmen D 509
Frank Duffin.....Cherokee Freedmen R 109
George N. Moss.....Cherokee Freedmen D 510

D E C I S I O N.

The record herein shows that applications for enrollment, as Cherokee Freedmen, were made to this Commission by George B. Duffin, for himself; by Sarah Moss, for herself and minor children, Julia, Sanford, Howard, Samantha, Rutherford, Elmira, Dwight L. and Willie Moss; by Eliza Keys, for herself; by Joshua Duffin, for himself and minor son, Frank Duffin; and by George N. Moss, for himself.

The evidence shows that the applicants, George B. Duffin, Sarah Moss, Eliza Keys and Joshua Duffin, were slaves of Cherokee citizens at the commencement of the rebellion; that during said rebellion they left the Cherokee Nation and did not return thereto until after January 19, 1867.

The evidence further shows that the applicant, Frank Duffin, has been born since 1866 and is the son of and claims right to enrollment through the said Joshua Duffin; that all the other applicants herein have been born since 1866 and are descendants of and claim right to enrollment through the said Sarah Moss.

None of the names of the applicants herein are found on the 1880 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the applications for the enrollment of George B. Duffin, Sarah Moss, Julia Moss, Sanford Moss, Howard Moss, Samantha Moss, Rutherford Moss, Elmira Moss, Dwight L. Moss, Willie Moss, Eliza Keys, Joshua

Duffin, Frank Duffin and George N. Moss, as Cherokee Freedmen, should be denied under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Bixby
Chairman.

T. B. Needles.
Commissioner.

C. R. Breckinridge.
Commissioner.

W. E. Stanley.
Commissioner.

Muskogee, Indian Territory,
this JUL 10 1903

A. T. No.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of George B. Duffin et al. as Cherokee Freedmen, consolidating the applications of:

George B. Duffin,	Cherokee Freedmen	D 905,
Sarah Moss, et al.	" "	D 906,
Eliza Keys,	" "	D 907,
Joshua Duffin,	" "	D 908,
Frank Duffin,	" "	D 109,
George Nathan Moss,	" "	D 910.

-: D E C I S I O N :-

THE RECORD IN THIS CASE SHOWS: That applications for enrollment as Cherokee Freedmen were made to this Commission by George B. Duffin for himself; by Sarah Moss for herself and minor children, Julia, Sanford, Howard, Samantha, Rutherford, Elmire, Dwight Lyman and Willie Moss; by Eliza Keys for herself; by Joshua Duffin for himself and minor child, Frank Duffin; and by George Nathan Moss for himself. The record further shows that on July 19, 1901, the Commission rendered its decision herein denying said applicants the right to enrollment as Cherokee freedmen, and that said decision was duly forwarded to the Department; that thereafter, on May 28, 1904 (Departmental letter I. T. D. 2822-04), this case was remanded by the Department for further testimony, and on July 16 and 28, 1904, supplemental testimony in the matter of said applications was taken at Muskogee, Indian Territory.

THE EVIDENCE IN THIS CASE SHOWS: That the applicants, George B. Duffin, Sarah Moss, Eliza Keys and Joshua Duffin, claim the right to enrollment as Cherokee freedmen by virtue of their compliance with the treaty stipulations of 1866, and that the other applicants herein claim the right to enrollment as Cherokee freedmen as descendants of the said applicants, Sarah Moss and Joshua Duffin.

GEORGE B. DUFFIN appeared before the Commission at Chelsea, Indian Territory, on June 5, 1901, and in support of his application for enrollment as a Cherokee freedman, testified as follows: I am forty-nine years old and am the son of Nathan and Frances Duffin, both deceased. I and my mother, before the war, belonged to Dr. John Thornton, a Cherokee citizen, and I was taken to Fort Scott, Kansas, during the rebellion, and with my father and his family returned to the Cherokee Nation and located on Big Creek, in November, 1866, and have since continuously lived in said Nation. We came from near Garnett, Anderson County, Kansas, and upon our arrival in the Cherokee Nation, found Andy Daugherty and Daniel and Mike Sanders and Sam Webber living on Big Creek; they had some little patches broken out, from which they had gathered the crops for that year.

Said applicant being recalled and further examined by the Commission, testified as follows: When I can first remember I was living in Goingsnake District, Cherokee Nation, about six miles from Dutchtown. I remember distinctly when I was taken from the Cherokee Nation to Kansas, and since my return to the Cherokee Nation I have been out occasionally in the different states, as a minister, and spent two years at school at Baker University (Kansas).

SARAH MOSS appeared before the Commission at Chelsea, Indian Territory, on June 5, 1901, and in support of her application for enrollment as a Cherokee freedman testified as follows: I am forty-three years old, and am the wife of Richard Moss, a non-citizen of the Cherokee Nation, who is the father of my children, all of whom were born in the Cherokee Nation since 1866. I am a sister of the applicant, George B. Duffin, and the daughter of Nathan and Frances Duffin, both deceased. I and my mother were the slaves of one Dr. John Thornton, a Cherokee citizen. I returned to the Cherokee Nation after the war with my father, brothers and sisters, and have since continuously lived in said Nation.

ELIZA KEYS appeared before the Commission at Chelsea, Indian Territory, on June 5, 1901, and in support of her application for enrollment as a Cherokee freedman, testified as follows: I am forty years old, and am the daughter of Nathan Duffin and Fannie Thornton (Frances Duffin), and the sister of the applicants, George B. and Joshua Duffin and Sarah Moss. I was taken to Kansas during the war, and have continuously lived in the Cherokee Nation since I returned thereto after the rebellion.

JOSHUA DUFFIN appeared before the Commission at Chelsea, Indian Territory, on June 5, 1901, and in support of his application for enrollment as a Cherokee freedman, testified as follows: I am about forty-nine or fifty years old. I was the slave of Dr. John Thornton before the war, went to Fort Scott, Kansas, during said war, and returned to the Cherokee Nation some time during the

summer of '66, with my sister Sarah (Moss) and brother George (Duffin). The minor applicant, Frank Duffin, is my illegitimate son, and is sixteen or seventeen years old. (Cherokee Freedman Enrollment card No. R 109 shows that Annice Johnson, deceased, mother of the said Frank Duffin, was a non-citizen of the Cherokee Nation). I remember when we returned to the Cherokee Nation after the war, it was in July or August, and Mr. Webber and Towers and Mays all had their corn laid by when we arrived. I have never been in Kansas longer than two weeks at a time since I removed to the Cherokee Nation after the rebellion.

GEORGE NATHAN DUFFIN appeared before the Commission at Chelsea, Indian Territory, on June 5, 1901, and in support of his application for enrollment as a Cherokee freedman, testified as follows: I am twenty-two years old, and am the son of one Richard Moss, a non-citizen, and the applicant herein, Sarah Moss.

GEORGE B. DUFFIN appeared before the Commission at Muskogee, Indian Territory, on July 28, 1904, and in support of his application for enrollment as a Cherokee freedman further testified as follows: After we came to the Cherokee Nation in November, '66, and got settled, myself and brother went back to Kansas with our teams and worked. Wilson Towers and family were living on Big Creek when we came there in 1866. Myself and brother went back to Kansas in the spring of '66 ('67) and worked until we could do better, but don't know just when that was.

ALLEN LYNCH, FILMORE HICKS, MOSES RILEY, SAM WEBBER, GEORGE W. LYNCH, MARIAH FRENCH, STEPHEN LITTLE AND WASHINGTON BLACKBURN, testified at different times and places on behalf of the applicants herein, but with the exception of Moses Riley, Sam Webber and George W. Lynch, none of said witnesses give any material testimony tending to show that the applicants, George B. and Joshua Duffin, Sarah Moss and Eliza Keys, were in the Cherokee Nation during the interval between the close of the rebellion and February 11, 1867.

MOSES RILEY testified as follows: I am fifty-one years old and have known the applicant, George B. Duffin very near all my life. Saw him in Kansas during the war, and again in the Cherokee Nation just before Christmas in '66. I was just a boy when I saw said applicant in '66, and lived about thirty miles from him.

SAM WEBBER testified as follows: I am fifty-eight years old and have known the applicant, Sarah Moss, ever since her father, Nathan Duffin, brought his wife and two boys, George and Joshua, and two girls, Eliza and Sarah Duffin, to the Cherokee Nation and located on Big Creek, just before Christmas, 1866.

GEORGE W. LYNCH testified as follows: I was born in December, 1852. I know the applicants, George B. Duffin, Sarah

Moss, Eliza Keys, Joshua Duffin and George Nathan Moss. I knew Nathan Duffin and first saw him and his family in the Cherokee Nation on Big Creek, about February 1, 1867, when, one morning I and Art Williams happened by Nathan Duffin's place and stopped for breakfast. I, at that time, was on my way to Fort Leavenworth to join the army.

W. A. JOHNSON, J. M. JOHNSON, GEORGE CAMPBELL AND THOMAS FOSTER, on behalf of the Cherokee Nation, testified at different times and places in this case, and identify the applicants George B. and Joshua Duffin, Sarah Moss, nee Duffin, and Eliza Keys, nee Duffin, as having continuously lived near Garnett, Anderson County, Kansas, during the first three years subsequent to the close of the rebellion.

Excepting the Wallace and Kern-Clifton rolls, none of the applicants herein can be identified on any roll of the Cherokee Nation in the possession of the Commission.

In connection with parts of the testimony set out below together with the status and credibility of some of the witnesses who testify in this case, attention is called to certain facts which the records of the Commission show to exist, and with which the Commission is thoroughly familiar:

George B. Duffin, applicant, testifies positively that upon his family's removal to the Cherokee Nation after the rebellion Daniel and Mike Sanders and Sam Webber were living on Big Creek, and had patches broken out, from which they had gathered the crops for that year; also, that Wilson Towers was living on Big Creek at that time. The advance guard of the Webber-Sanders detachment of freedmen, after the rebellion, first came from Kansas to the Big Creek country, Cherokee Nation, about August, 1866, remained a few weeks, during which time they selected their locations and did some work on their houses, and then returned to Kansas. They again visited the Cherokee Nation in December, 1866, remained a few days, during which time they did some more work on their houses and then returned to Kansas, and during the months of March and April, 1867, said colony of freedmen, with their families, arrived and permanently located in the Cherokee Nation consequently, the first crops they raised in the Cherokee Nation after the rebellion was during the year 1867. In C. F. D. 444 (now R 276), the Commission has heretofore found that the said Wilson Towers did not remove from Kansas to the Cherokee Nation until the year 1868, and on April 25, 1904 (Departmental letter 2304-04), its finding was approved by the Department.

In re witness Moses Riley: The testimony in C. F. D. 258 shows beyond little doubt that the said Moses Riley did not return to the Cherokee Nation until the fall of 1867. In C. F. D. 265 the Commission has heretofore found that Emma Purtle, who is a full sister of the said Moses Riley, and who was taken from the Cherokee Nation during the rebellion and returned thereto after said rebellion with her brother, Moses Riley, did not return to the Cherokee Nation after the rebellion within the time specified in the Whitmire decree, and on November 12, 1904, its finding was approved by the Department.

In re witness Sam Webber: The Commission does not hesitate to say that the testimony of this witness is wholly unreliable and worthy of no credit whatever. There is on record with the Commission evidence filed in numerous freedmen cases, which shows conclusively that the said Sam Webber did not, after the rebellion, live in the Cherokee Nation prior to the spring of 1867.

In re testimony of George W. Lynch: This witness testified that he was born in December, 1852, and about February 1, 1867, was on his way to join the United States army, and later in the spring of the same year joined the army at Fort Leavenworth, Kansas, and was discharged in the year 1872. This testimony seems somewhat remarkable in view of the fact that on February 1, 1867 the witness must have been less than two months past his fourteenth year, and for enlistment in the United States army at that time the age limits were eighteen and forty-five years.

The testimony of W. A. Johnson, J. B. Johnson, George Crapbell and Thomas Foster, witnesses on behalf of the Cherokee Nation, who appear to be intelligent, disinterested, and unbiased, and who connect the matters of which they testify with events in their own experience that would naturally impress the dates upon their minds, is, on the whole, consistent, and shows beyond little doubt that the applicants, George B. and Joshua Duffin, Sarah Moss and Eliza Keys, were living near Garnett, Anderson County, Kansas, during the years 1866, 1867, and 1868.

FINDINGS OF FACT AND CONCLUSION: It is considered by the Commission that the evidence in this case shows that the applicants, George B. Duffin, Joshua Duffin, Sarah Moss, and Eliza Keys, were the slaves of a Cherokee citizen before the rebellion, (The evidence does not affirmatively show that the said applicants were the slaves of a Cherokee citizen at the commencement of the rebellion, although it does strongly indicate that they were); that they were taken from the Cherokee Nation during said rebellion and did not return thereto within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation et al. for the return of Cherokee freedmen to said Nation; and that the applicants, Julia, Sanford, Howard, Samantha, Rutherford, Elmira, Dwight Lyman, Willie and George Nathan Moss, and Frank Duffin, were born since 1866, are descendants of the applicants, Sarah Moss and Joshua Duffin, and possess no rights to enrollment as Cherokee freedmen other than as such descendants.

IT IS, THEREFORE, THE OPINION OF THIS COMMISSION: That the applications for the enrollment of George B. Duffin, Sarah Moss, Julia Moss, Sanford Moss, Howard Moss, Samantha Moss, Rutherford Moss, Elmira Moss, Dwight Lyman Moss, Willie Moss

[redacted] Indian Territory, Creek Nation and George Hudson Brown, as Chevisee Proceeding should be denied, under the provisions of, [redacted] section twenty-one of the Act of Congress approved June 28, 1906 (34 Stats., 536), and it is so ordered.

[redacted] OF THE FIVE CIVILIZED TRIBES.

(Signed) [redacted]

(Signed) [redacted]

(Signed) [redacted]

Dated at Muskogee, Indian Territory,

this [redacted]

Q7R109

Vinita Indian Territory, Dec 19 97

Received of the Commission to the Five Civilized Tribes one copy of the testimony in 109

Blue & Glover
Attorney for Applicant.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED.

JUN 5 1901

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 5 1901

Post Office Tahlequah, I.T.

District Tenkiller

1. Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

2. Name of wife ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

Rejected

Names of Children:

3. Frank Griffin Year 1896 Page 183 No. 11488 Dist. Coo 17

4. ..... Year ..... Page ..... No. ..... Dist. .....

5. ..... Year ..... Page ..... No. ..... Dist. .....

6. ..... Year ..... Page ..... No. ..... Dist. .....

7. ..... Year ..... Page ..... No. ..... Dist. .....

8. ..... Year ..... Page ..... No. ..... Dist. .....

9. ..... Year ..... Page ..... No. ..... Dist. .....

10. ..... Year ..... Page ..... No. ..... Dist. .....

11. ..... Year ..... Page ..... No. ..... Dist. .....

12. ..... Year ..... Page ..... No. ..... Dist. .....

Application made by Joshua Griffin Stenographer M. H. Green

Ref to card of Joshua Griffin

COPY.

Cherokee Freedmen
D-809 & R-109.

Muskogee, Indian Territory, July 23, 1903.

Joshua Duffin,

Lenapah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, in the consolidated case of George B. Duffin, et al., rejecting, among others, your application for the enrollment of yourself and your minor child, Frank Duffin, as Cherokee Freedmen. There has heretofore been furnished your attorneys, Mellette & Smith, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to them a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Register.

Enc. R-809.

COPY.

Cherokee Freedmen
D-505, D-506, D-507,
D-509, D-109, D-510.

Muskogee, Indian Territory, July 23, 1903.

Mallette & Smith,
Attorneys for George B. Duffin, et al.,
Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of supplemental testimony in the consolidated case of George B. Duffin, et al., together with a copy of the Commission's decision, dated July 10, 1903, rejecting the applications for the enrollment of George B. Duffin, Sarah, Julia, Sanford, Howard, Samantha, Rutherford, Elmira, Dwight L., and Willie Moss, Eliza Keys, Joshua Duffin, Frank Duffin and George W. Moss, as Cherokee Freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Register,
Enc. K-69.

COPY.

Cherokee Freedmen
D-505,D-506,D-507,
D-509,D-109,D-510.

Muskogee, Indian Territory, July 23, 1903.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, in the consolidated case of George B. Duffin, et al., rejecting the applications for the enrollment of George B. Duffin, Sarah, Julia, Sanford, Howard, Samantha, Rutherford, Elmira, Dwight L. and Willie Moss, Eliza Keys, Joshua Duffin, Frank Duffin and George H. Moss, as Cherokee Freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby

Commissioner in Charge.

Register.
Enc. H-61.

Cherokee Freedmen
D-505,D-506,D-507,
D-508,D-109,D-510.

Muskogee, Indian Territory, July 23, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of George B. Duffin, et al., together with the Commission's decision, dated July 10, 1903, rejecting the applications for the enrollment of George B. Duffin, Sarah, Julia, Sanford, Howard, Samantha, Rutherford, Elmira, Dwight L. and Willie Moss, Eliza Keys, Joshua Duffin, Frank Duffin and George W. Moss, as Cherokee Freedmen.

Respectfully,

T. B. Needles

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

Enc. M-62.

-Copy-

Refer in reply to the following:

Land. 47049-1903.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, Jan. 11, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted, herewith, for the consideration of the Department, a record of the proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of George B. Duffin, for the enrollment of himself; of Sarah Moss, for the enrollment of herself and her minor children, Julia, Sanford, Howard, Samantha, Rutherford, Elmira, Dwight L. and Willie Moss; of Eliza Keys for the enrollment of herself; of Joshua Duffin, for the enrollment of himself and his minor son, Frank Duffin and of George W. Moss for the enrollment of himself - all as Cherokee Freedmen.

On July 10, 1903, the Commission rendered a decision in this case, finding from the evidence that the applicants George B. Duffin, Sarah Moss, Eliza Keyes and Joshua Duffin were citizens of Cherokee citizens at the commencement of the rebellion; that during said rebellion they left the Cherokee Nation and did not return thereto until after January 19, 1867; that the applicant, Frank Duffin has been born since 1866, is the son of and claims right to enrollment through the said Joshua Duffin; that at the

other applicants have been born since 1866, and are descendants of said claim right to enrollment through the said Sarah Moss.

The Commission further says in said decision, that none of the names of the applicants herein is found on the 1880 authenticated roll of the Cherokee Nation, and by reason of this fact and said findings, the Commission is of the opinion that the enrollment of these applicants should be denied under the provisions of section 21 of the Act of Congress approved June 28, 1898, (30 Stats., 496.)

I have examinedthe testimony submitted in behalf of these applicants, and also that submitted on behalf of the Cherokee Nation, and I am not satisfied that said opinion of the Commission was fully warranted by said testimony. The applicant, George B. Duffin, gives a very straight forward statement as to his birth, or rather his whereabouts from his earliest recollection, and standing alone, his evidence makes out his case. His testimony is supported by the testimony of the witness, Allen Lynch. The witness, Filmore Hicks also substantiates the claim of said applicant, to the effect that applicant's father was in the Cherokee Nation in 1866, but the Commission shows that the statements of this witness cannot very well be relied upon. The next witness in behalf of said applicant is Moses Riley, who also testified that the applicant's father returned to the Cherokee Nation along about 1866. The said applicant is then re-called, after which the Nation calls two witnesses, viz: W. A. Johnson and J. M. Johnson, who both testify that they have resided at Garnett, Kansas, since 1858 or 9;

that they knew Nathan Duffin, the father of said George B. Duffin and also knew his family, and they further testify that the said Nathan Duffin and his family resided at or near, Garnett, Kansas, in the year 1870. They fix this date by reason of the fact that the Santa Fe Railroad, then the L.L.& G. was built at that time, and it is claimed by these witnesses that said applicant and his brother were then hauling ties for said railroad. These two witnesses submit the only evidence that appears of record which shows that the claim of these applicants is not true.

It occurs to me that the Commission should have at least confronted the applicants with the facts testified to by the Johnsons, and had said testimony either admitted or denied by them. If, as a matter of fact, these applicants never returned to the Cherokee Nation until 1870, or later, it occurs to me that there ought to be several persons yet living in the Cherokee Nation who could testify that Nathan Duffin and his family did not reside on Big Creek in the Cherokee Nation at the place and at the time they claim to have resided there before 1870. It further appears from the testimony, which is not denied, that the applicant George B. Duffin has voted in the Cherokee Nation and has held permits therein. It is claimed by him and not denied that he was the slave of a Cherokee citizen and was taken out of the Cherokee Nation when a child, by the United States troops. It may be that the Johnsons are very credible witnesses and that their statements are entitled to great weight, but I hesitate to recommend that the applications

of all these parties be denied solely upon the testimony of two persons residing in the State of Kansas, who undertake to give definite information relative to a colored family whom they do not appear to have seen for more than thirty years. Than too, a close analysis of their testimony shows that they do not claim to have any definite knowledge of the whereabouts of these people from 1866 to 1870. The applicants themselves testify that they have worked at divers times in Kansas, and the testimony of the Johnsons might be true and yet these parties entitled to enrollment as Cherokee Freedmen citizens of the Cherokee Nation. These applicants make this claim and substantiate it ina large degree, and if possible I consider that the Cherokee Nation should positively show that their said claim is not a valid one. The ampunt involved in a case like this is such that the issue raised should not be passed over lightly. If all of these applicants are entitled to enrollment as Cherokee Freedmen citizens of the Cherokee Nation, it is a matter of very great importance to them to be so enrolled, and if on the other hand they are seeking to perpetrate a fraud on said Nation and secure valuable rights to which they are not entitled, it is very important that the Nation show conclusively, that their claim is fraudulent, and the question should not be left in doubt in any way if there is evidence obtainable that will show conclusively either that the parties are entitled to enrollment or that their enrollment should be denied.

The decision of the Commission in this case throws no light upon the testimony. They saw the witnesses and heard them testify, but I find nothing in the decision as to the credibility of the different witnesses.

By reason of all the above facts, I consider that in justice to both the applicants and the Cherokee Nation, this case should be remanded to the Commission for a further hearing and opinion along the lines indicated in this review of the case.

Very respectfully,

(Signed) W. A. Jones,

Commissioner.

A.C.T.

W.C.E.

L.

D.C. 17603-1904.
I.T.D. 222-1904.
L R S

W C P
J.P.
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DEPARTMENT OF THE INTERIOR,
WASHINGTON. May 20, 1904.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

July 23, 1903, you transmitted the record of proceedings had in the consolidated case of George B. Duffin, et al., including your decision of July 10, 1903, rejecting the applications for the enrollment of George B. Duffin, arah, Julia, Sanford, Howard, Samantha, Rutherford, Elmira, Dwight L. and Willie Moss, Eliza Keys, Joshua Duffin, Frank Duffin and George M. Moss, as Cherokee Freedmen.

It appears that George B. Duffin, Sarah Moss, Eliza Keys and Joshua Duffin were slaves of Cherokee citizens at the commencement of the rebellion; that the other applicants were born since 1866, and are descendants of Joshua Duffin or Sarah Moss. You state in your decision that during the rebellion these applicants left the Cherokee Nation and did not return thereto until after January 19, 1867.

Reporting in the matter January 11, 1904, the Commissioner of Indian Affairs takes the view that the evidence does not show clearly that the applicants did not return to the Cherokee Nation within the time provided by the Cherokee treaty of 1866, and

states that in justice to both the applicants and the Cherokee Nation the case should, in his opinion, be remanded to you for a further hearing, and an opinion from you as to the reliability of the evidence introduced.

The Department is of the opinion that further evidence should be secured, if possible, before the applicants' rights are finally adjudicated. The testimony submitted is therefore returned and it is desired that you secure, if possible, such further evidence as will more clearly show whether or not the applicants are entitled to enrollment. A copy of the Commissioner's letter is inclosed.

Respectfully,

(Signed) Thos. Ryan.

Acting Secretary.

2 inclosures.

Cherokee Freedmen
R-109.

Muskogee, Indian Territory, June 4, 1904.

Frank Duffin,

Lenapah, Indian Territory.

Dear Sir:

In the matter of your application for enrollment as a Cherokee freedman, you are advised that the Commission is in receipt of Departmental letter of May 20, remanding the Commission's decision of July 10, 1903, rejecting, among others, your said application.

In accordance with Departmental instructions you are advised that you will be permitted to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Saturday, June 18, 1904, and introduce further testimony in support of your claim. It is particularly desired that you offer testimony tending to show the date of the return to the Cherokee Nation after the close of the war of the persons through whom you claim right to enrollment. You are requested to introduce witnesses other than those heretofore introduced by you.

For your information there is herewith enclosed a copy of the Department's letter.

Respectfully,

Enc. D-14.

Chairman.

Cherokee Freedmen
D-505 et al.

Muskogee, Indian Territory, June 4, 1904.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

In the consolidated case of George B. Duffin et al., applicants for enrollment as Cherokee freedmen, you are advised that the Commission is in receipt of Departmental letter of May 20, remanding the Commission's decision of July 10, 1903, rejecting the applications for the enrollment of George B., Joshua and Frank Duffin, Sarah, Julia, Sanford, Howard, Samantha, Rutherford, Elmira, Dwight L. and Willie Moss, Elima Keys and George H. Moss.

In accordance with Departmental instuctions the principal applicants have this day been advised that they will be permitted to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Saturday, June 18, 1904, and introduce further testimony in support of their claims. It is particularly desired that they introduce testimony tending to show the date of the return to the Cherokee Nation after the close of the war of themselves and the persons through whom they claim right to enrollment.

The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire.

For your information there is herewith enclosed a copy of the Department's letter.

Respectfully,

Chairman.

Enc. D-16.

Cherokee Freedmen
D-505 et al.

Muskogee, Indian Territory, June 4, 1904.

Edgar Smith,

Attorney for George B. Duffin et al.,

Vinita, Indian Territory.

Dear Sir:

In the consolidated case of George B. Duffin et al., applicants for enrollment as Cherokee freedmen, you are advised that the Commission is in receipt of Departmental letter of May 20, remanding the Commission's decision of July 10, 1903, rejecting the applications for the enrollment of George B., Joshua and Frank Duffin, Sarah, Julia, Sanford, Howard, Samantha, Rutherford, Elmira, Dwight L. and Willie Moss, Eliza Keys and George W. Moss.

In accordance with departmental instructions the principal applicants in this case have this day been advised that they will be permitted to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Saturday, June 18, 1904, and introduce further testimony in support of their claims. It is particularly desired that they introduce testimony tending to show the date of the return to the Cherokee Nation after the close of the war of themselves and the persons through whom they claim right to enrollment. The applicants have been requested to introduce

witnesses other than those heretofore introduced by them.

For your information there is herewith enclosed a copy of the Department's letter.

Respectfully,

Chairman.

Enc. D-16.

COPY.

Cherokee Freedmen

R-109.

Muskogee, Indian Territory, June 16, 1905.

Frank Duffin,

Lenapah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, rejecting, among others, the application for your enrollment as a Cherokee freedman. There has heretofore been furnished your attorneys, Blue & Bulger, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to them a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

Incl. S-56
Register

COPY.

Cherokee Freedmen

D-305, et al.

Muskogee, Indian Territory, June 16, 1905.

Blue & Bulger,

Attorneys for George E. Duffin, et al.,

Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, rejecting the applications for the enrollment of George E. Duffin, et al., as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.
Chairman.

Incl. S-69,
Register.

Cherokee Freedmen

D-505, et al.

Muskogee, Indian Territory, June 16, 1906.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 16, 1906, rejecting the applications for the enrollment of George B. Duffin, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

Incl. 8-68.

Cherokee Freedmen
D-805, et al.

Muskogee, Indian Territory, June 16, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of George W. Duffin, et al., as Cherokee freedmen, including the Commission's decision dated June 16, 1905, rejecting said applications.

On May 20, 1904, the Department remanded this case for further hearing and readjudication.

Respectfully,

Tams Bixby.
Chairman.

Incl. S-60.

Through the

Commissioner of Indian Affairs.

Land.
47225-1905.

COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

July 11, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated June 16, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by George B. Duffin for himself; by Sarah Moss for herself and her minor children, Julia, Sanford, Howard, Samantha, Rutherford, Elmira, Dwight, Lyman and Willie Moss; by Eliza Keys for herself; by Joshua Duffin for himself and his minor child, Frank Duffin; and by George Nathan Moss for himself.

June 16, 1905, the Commission decided adversely to all the applicants.

The record shows that on July 10, 1903, the Commission rendered a decision denying the applicants enrollment; that thereafter, on May 20, 1904 (I.T.D.222-1904), the Department remanded the case for further testimony. The record further shows that the applicants, George B.Duffin, Joshua Duffin, Moss and Eliza Keys were the slaves of a Cherokee citizen at the beginning of the war of the rebellion; that they were taken

out of the Cherokee Nation during the war and that they did not return thereto on or before February 11, 1867; that the other applicants were born since 1866, are descendants of Sarah Moss and Joshua Duffin, and possess no rights to enrollment other than as such descendants.

In view of the record the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

W.W.W.
W.

COPY

D.C.52116 J.Y.Jr.

DEPARTMENT OF THE INTERIOR, LLB

WASHINGTON.

I.T.D.8194-1905. November 26, 1906.
8525- "
LRS

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

July 11, 1905 (Land 47225), the Indian Office transmitted the record in the matter of the consolidated applications for the enrollment of George B. Duffin, Sarah Moss, Julia Moss, Sanford Moss, Howard Moss, Samantha Moss, Rutherford Moss, Elmira Moss, Dwight Lyman Moss, Willie Moss, Eliza Keys, Joshua Duffin, Frank Duffin, and George Nathan Moss as Cherokee freedmen, including the decision of the Commission to the Five Civilized Tribes, adverse to the applicants.

The Indian Office recommended that the Commission's decision be approved. A copy of its letter is inclosed.

September 7, 1905, the attorneys for the applicants filed a motion for review of said decision.

There appears to be no proper reason for granting said motion and it is hereby denied.

The Department concurs in the recommendation made, and the Commission's decision is hereby affirmed.

The papers in the case, including the motion for review, have been sent to the Indian Office for its files.

Respectfully,

(Signed) Thos Ryan

First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 inc. and 3 to Ind. Of.

Cherokee Freed.
R 109.

Muskogee, Indian Territory, December 5, 1906.

Frank Duffin,

Lenapah, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, rejecting, among others, your application for enrollment as a Cherokee freedman was affirmed by the Secretary of the Interior November 26, 1906, and the motion for review of your case filed by your Attorneys September 7, 1905, denied.

Respectfully,

S.W. Acting Commissioner.

Cherokee Freed.
D 805, et al.

Muskogee, Indian Territory, December 5, 1906.

Blue & Bulger,

Attorneys for George B. Duffin, et al.,

Baxter Springs, Kansas.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, rejecting the applications of George B. Duffin, et al., for enrollment as Cherokee freedmen was affirmed by the Secretary of the Interior November 26, 1906, and your motion for review of said case, filed September 7, 1905, denied.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl. W-1.
S.W.

Acting Commissioner.

Cherokee Freed.
D 805, et al.

Muskogee, Indian Territory, December 5, 1906.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 16, 1906, rejecting the applications of George B. Duffin, et al., for enrollment as Cherokee freedmen was affirmed by the Secretary of the Interior November 26, 1906, and the motion for review of said case filed September 7, 1905, denied.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Acting Commissioner.

Encl. W-2.
S.W.

CHEROKEE FREEDMAN.

Decision

IN THE MATTER OF THE APPLICATION OF

Frank Duffin

FOR ENROLLMENT AS

CHEROKEE FREEDMEN

Testimony June 5. 01

Testimony of applicant " "

See Cherokee Freedmen Docket No 2509.

Cher. Fr. R-110

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 5, 1901.

In the matter of the application of Emily Looney for the enrollment of herself and her husband, Tobe Looney, as Cherokee Freedmen.

I. N. Bledsoe, attorney for applicant;
J. S. Davenport, of counsel for Cherokee Nation.

Emily Looney, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your name? A Emily Looney.
Q How old are you? A I am about 55.
Q What is your post office? A Coffeyville.
Q In what district do you live? A In Coowescoowee.
Q You want to be enrolled as a Cherokee Freedman by intermarriage, do you? A Well, I claim a right by my marriage.
Q Do you want to apply for your husband? A Yes, sir.
Q You claim that he is a Cherokee Freedman of his own right?
A Yes, sir.
Q Have you and he any children you want to apply for? A No, sir, not any by him I haven't, I have some by my first husband.
Q Was your other husband a Cherokee Freedman? A No, sir, he is a United States Freedman.
Q You don't claim anything for these children? A No, sir.
Q You apply then for yourself and your husband? A Yes, sir.
Q When were you married to this husband? A I can't exactly tell you the date of the marriage.
Q Have you got a certificate? A Yes, sir (hands Commissioner paper.)
Q Give me the name of your husband? A Tobe Looney.

Commissioner: The applicant presents a certificate showing that Tobe Looney and Mrs. Emlie Swedster were united in marriage at Pryor Creek on the 25th day of March, 1891, by the Rev. Jos. Smith. This is an illuminated certificate and being duly identified and quoted, it is returned to the applicant at her request.

Mr. Davenport: The representatives of the Cherokee Nation object to the introduction of the certificate for the reason it shows no attempt to have complied with the Cherokee law relating to the marriage of foreigners, and for the further reason that there is no law providing for one adopted citizen to adopt another by marriage.

Q Well, have you and this husband lived together ever since you were married? A Yes, sir.
Q And all the time in the Cherokee Nation? A Yes, sir.
Q Were you ever married before you married this husband? A Yes, sir.
Q How many times? A Twice.
Q This is your third marriage? A Yes, sir.
Q Give me the name of your first husband? A Why Joe Burnett.
Q About when were you married to him? A Well, I can't just exactly tell you, but then it was directly after the war was ceased.
Q Where were you married to him? A In North Carolina.
Q He was a state man was he? A Yes, sir.
Q Well, is he dead? A Well, I can't tell you whether he is dead or not.
Q How long did you and he live together? A Well, I guess we lived together about a year.
Q And then you parted, did you? A Yes, sir.
Q Did you ever get a divorce from him? A No, sir.
Q There never was any divorce given to either one of you? A No, sir, neither one.
Q Give me the name of your second husband? A Milton Johnson.
Q When did you marry him? How long after you parted from Burnett?

Q When did you marry him; how long after you parted from Burnett?
A Well, it was about seven years.
Q Is Milton Johnson dead? A I can't tell you whether he is or not, he went away, I can't tell you anything about him.
Q He is a state man, is he? A Yes, sir.
Q Where did you marry him? A Emporia, Kansas.
Q How long did you and he live together? A Well, it was about three years, nearly four.
Q And then you parted? A Yes, sir; well, he got into a little difficulty, some things like men generally do, and of course it was disagreeable with me and we parted.
Q Was there ever any divorce between you? A No, I don't think there is, from the trouble he got into he left and then I never was married until seven years afterwards --
Q Well after you and he parted then you married your present husband, did you? A Yes, this is my last husband.
Q And that is all the marrying you have ever done? A Yes, sir.
Q How did you happe to be mentioned in this license as Mrs. Swedster? A Well, when my brother was a slave, and after we got free, he came back and we lived with him and we all went under the name of his name.
Q You were never married to a man of that name? A No, sir, that was just his owner's name that he always kept.
Q How old is your husband? A My husband is now, well I guess he is somewheres about eight years old; that is as near as I can come at it, between seventy and eight, somewheres along there, as near as I can guess, I can't tell you.
Q How long had you known him when you married him in 1891? A I knew him about two years before we were married.
Q And that is all you know about him? A Yes, sir.

Steve Looney, being duly sworn and examined by Commissioner Breckinridge, testified as follows:
Q Give me your full name? A My name is Steve Looney.
Q How old are you? A About 58 is what I call myself.
Q What is your post office? A Coffeyville, Kansas.
Q Do you live in the Cherokee Nation? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A Well, I was raised in the Cherokee Nation, all the time till up to the war.
Q Well, have you lived in the Cherokee Nation ever since you came back after the war? A Yes, sir.
Q Do you know Tobe Looney, the husband of this applicant?
A Yes, sir.
Q How long have you known him? A Knowed him all my life.
Q Was he a slave in the Cherokee Nation at the time the war broke out? A Yes, sir.
Q To whom did he belong? A Belonged to Betsy Looney.
Q Was she well known and recognized as a Cherokee citizens?
A Yes, sir.
Q Where did Betsy Looney live? A Lived on the Illinois River up to White Oak Springs.
Q Well, where was Tobe Looney during the war? A During of the war, why he was up to Fort Scott, Kansas.
Q Is he kin to you? A Yes, sir.
Q What kin? A He is my uncle.
Q What time after the war did he come back to the Cherokee Nation?
A We come in the fall of '66.
Q You came with him? A Yes, sir.
Q To what point did you come? A We come on the Verdigris here.
Q Whereabouts on the Verdigris? A About four miles or more from Coogs Hack Bend.
Q

Q On what side of the Verdigris? A On the west side.
Q Has he lived there ever since he came from Kansas just after the war? A Yes, sir.
Q Right at that place? A Yes, sir, living there yet.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicants not identified thereon.
The 1896 census roll of Cherokee Freedmen examined and the applicants identified thereon.
The Kerns-Clifton roll examined, the applicants not identified thereon.
The Wallace roll examined and the applicant, Tobe Looney, identified thereon, page 123, No. 2563, district not given; Emily Looney not on Wallace roll.

Q How does it happen that Tobe Looney is not on the roll of 1880, do you know anything about that? A Well, all I knows, he went down to Court and when we got there to apply they would tell us we were all right, to go back home
Q That was down to Tahlequah? A Yes, sir, down to Tahlequah.
Q In 1870 or '71? A Yes, sir, must have been, the time Chief Bushyhead.
Q Who was the judge of the Court? A I can't tell you, we just went to Chief Bushyhead, that was the only man we knew, and we went to get information from him.
Q Did you talk to anybody besides Chief Bushyhead? A No, sir, not any Cherokee, just some freedmen.
Q Did you talk to any official? A No, sir, we didn't.
And he sent you off? A Yes, sir, he said to go back and go to farming, and stay at home, you are all right anyhow, that is what he informed us.
Q Chief Bushyhead is dead, isn't he? A I don't know whether he is or not.
Q You claim to have had a conversation with him at the time?
A Yes, sir, had a conversation with him right in the yard by the capitol.
Q You didn't go into the Court then? A No, sir.
Q Was Tobe Looney with you then? A No, sir, I don't think he was along.
Q Well I am talking about Tobe Looney, I am not taking your application; did Tobe Looney go with you at that time? A Yes, sir, Tobe Looney, there was several of us along.
Q Tobe Looney was with you then? A Yes, sir.
Q Did he talk with Chief Bushyhead the same time you did?
A Yes, sir, we were all talking with him.
Q You all did the same thing? A Yes, sir.
Q And then you turned around and went home? A Yes, sir.
Q Tobe Looney is down here in a wagon sick now? A Yes, sir, he is down sick.
Q He can't come up and give evidence for himself? A No, sir, been down for years.
Q He is bed ridden? A Yes, sir, can't get out unless we help him out.
Mr. Wisdom: Do you know that this woman Emily Looney has been living with Tobe continuously since they were married in 1891?
A Yes, sir.
Q Up to the present time? A Yes, sir.
Q They are still man and wife? A Yes, sir.
Mr. Davenport: Steve, do you know where Tobe went during the war, or was he out? A Time of the war, he went up to Fort Scott, Kansas.
Q Was you with him? A I was up there with him.
Q Did you go with him? A No, sir, I didn't go with him up there.
Q Where was he living at the time the war broke out? A He lived

on the Illinois river.
Q To whom did he belong at that time? A Belonged to Betsy Looney.
Q Did you belong to the same party? A Yes, sir.
Q When you came back you came to what point in the Cherokee Nation?
A We came on the Verdigris here.
Q How far from Coose Mook Dent? A It is about between three and four miles.
Q Well, who was living there when you came back? A There wasn't anyone living there.
Q You were the first settlers in that country? A We were the first settlers in there.
Q Wasn't there any indians in there at all? A There was some Osage Indians.
Q You came back before Nelson Murrell came? A We came with Nelson Murrell.
Q And that was in '66 when you came? A Yes, sir.
Q What makes you remember it was '66? A Because I remember it, the ~~xxxxxx~~ word came out for us to return back in that time, pretty near everybody had it.
Q Do you know how long you stayed in Kansas after you heard that ord, before you came? A Wasn't there very long.
Q About how long? A I can't say exactly how long, maybe a year and maybe not that long.
Q Stayed a year after you heard it? A I say I don't know whether we were or not, it was shortly after it.
Q Something like a year was it? A Something like that, might have been.
Q Now Steve, are you acquainted with John Kinney and Wells? A I have seen them.
Q They live up in that country? A They do now.
Q Ed Campbell and Charlie live there now? A Yes, sir.
Q They have been living there ever since the war? A No.
Q They are Freedman and recognized by the Cherokee authorities are they? A Well, that is what they say they are.
Q And you say you didn't put in any application to the Court there at Tahlequah? A Only just what I told you, just went there to see how that Court was and get information, they said it was open to try people.
Q You been living up there on the Verdigris ever since the war, you claim? A Ever since '66 I have been living up there.
Q Are you on any of the rolls of the Cherokee Nation?
A I was on the Wallace roll.
Q I am speaking about the rolls they have recognized you on? A Not that I know of.

Mr. Bledsoe: I have some certificates I would like to introduce.

(Hands some papers.

Commissioner: The applicant presents three permits issued by the Clerk of Coowescoowee district to her husband, Tobe Looney, two of the year 1894 and one of the year 1895, authorizing him to employ a laborer. These permits are filed herewith.

Mr. Davenport: The representatives of the Cherokee Nation object to the introduction and consideration of the permits as testimony, because it does not tend to prove or disprove the fact of when the applicant returned to the Cherokee Nation, and it is immaterial in this case, and if the Clerk of Coowescoowee district violated the law in so doing, it would not tend to prove any material fact in this case.

Mr. Bledsoe: Do you know of Tobe voting in the Cherokee Nation?

Mr. Davenport: I object to that.

Commissioner: You can ask him if you have seen Tobe

Looney voting.

Q Did you ever see Tobe Looney voting? A Yes, sir.

Mr. Davenport: Where and when did you see Tobe Looney vote? A Well I can't tell you just when, it was when this Cherokee Court was in proceed on.

Q What Cherokee Court do you have reference to? A I mean when we were voting for Cherokee Officers.

Q He voted in Coffeyville up here? A No, voted to Ooowesscoowee to Close Neck Bend at the precinct.

Q You ever vote in Kansas? A No, sir.

Q Tobe ever vote there? A No, sir.

Q You don't know what year it was that Tobe voted? A No, sir.

Q Don't know who he voted for? A No, sir, I don't know, I think he was voting for Sam Mays.

Q Tobe has been sick for some years, hasn't he? A Been sick for quite a while.

Mr. Davenport: I want to renew another objection to the marriage certificate. The representatives of the Cherokee Nation object to the introduction and consideration of the marriage certificate filed in evidence upon the application of the applicant's wife, Emily, for the reason, as shown by the date of the marriage certificate, there was a law in force in the Indian Territory requiring parties who desired to marry should procure a license from the United States Court in the Indian Territory where they were not both recognized ~~xxxxxxxxxxxx~~ citizens of the tribe, or where they didn't desire to marry a party who was a recognized citizen of the tribe; act of May 2, 1890.

Commissioner: The applicant applies for the enrollment of herself and husband. She claims only by intermarriage, she being, according to her testimony, a state woman. A certificate is cited in the testimony showing that she and her husband were united in marriage in 1891, and the testimony shows that they have lived together in the Cherokee Nation ever since their marriage? A Attention is called to the protests made by the Cherokee Representative in regard to the introduction of the marriage certificate, but regardless of the status of the applicant's husband, it is shown that the applicant was twice married previous to her present marriage, once in the State of North Carolina and once in the State of Kansas, that neither of her former husbands was a Cherokee citizens; that both of them may be living now; that she parted from them and did not procure a divorce from either one of them. Therefore, it is evidence that the applicant could not obtain rights under her present husband, even if the Cherokee law permitted the right by intermarriage between a Freedman and a non citizen, and whatever may be the status of his own right of her husband. She will therefore be listed for enrollment as a Cherokee Freedman by intermarriage on a rejected card. A

As for her husband, who is stated to be somewhere between seventy and eighty years of age, and bed ridden and unable to apply for himself, he is identified on the Wallace roll, but not upon the roll of 1880, or upon that of 1896 orupon the Kern-Clifton roll. It is not deemed necessary to go into the question of his former marriages at this time, but only to consider his own right. He seems to have been a Cherokee slave at the beginning of the Civil war, and to have gone or been taken to the State of Kansas. The applicant herself

knows nothing of her husband's status prior to about two years previous to her marriage to him. The only witness introduced in the case, Steve Looney, is shown by his own testimony to be a disputed Cherokee Freedman, and he has stated that he came to the Cherokee Nation from the State of Kansas about one year after hearing of the treaty of 1866, and that Tobe Looney, the applicants husband, came with him. There is filed herewith, against the protest of the Cherokee representative, three certificates issued by the Clerk of Coowescoowee district authorizing the applicant's husband to employ a laborer. Under the facts stated, it does not appear that Tobe Looney has any right to enrollment at this time, but giving him the benefit of any doubt that may exist, he will at present be listed for enrollment as a Cherokee Freedman on a doubtful card. The final decision of the Commission will be made known to the applicants husband at his post office address.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 6th of June, 1901.

Commissioner.

File with Emily Looney C. F. R-110.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October 15 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Daniel Thompson et al, C. F. D. #606.

Appearances:
James S. Davenport for the Cherokee Nation
Mellette & Smith for the ~~Cher~~ applicant.

T. W. Thompson, being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation-
(By Davenport)
Q What is your name? A T. W. Thompson.
Q Where do you live? A 3 miles south of Vinita.
Q What is your age? A 54
Q How long have you lived in the Cherokee Nation? A All my life.
Q Do you know the applicant in this case, Daniel Thompson? A Yes sir
Q Did you know him before the war? A Yes sir.
Q Do you know where he went during the war? A I think he went north to Kansas.
Q Where did your family go during the war? A To Red River.
Q Choctaw Nation? A Chickasaw Nation.
Q When did you return to this country? A In the fall of '66, in October
Q Did this applicant go with your family? A He never was with us during the war.
Q When your family returned to the Cherokee Nation were did they locate? A On Grand river, 12 or 15 miles east of here.
Q ~~How far from where they had originally lived?~~ A Same place.
Q Was the applicant there when you returned? A No sir.
Q When did you first see the applicant after the war? A Here in Vinita, I can't tell exactly the time.
Q With reference to the time the railroad was here when was it? A The Katy was here I think.
Q About what year was it? A As well as I remember it was in '71 or '2.
Q Had the applicant prior to that time ever lived on your place on Grand river? A No sir.
Q Had you any conversation with him in regard to where he lived or when he came back? A No sir.
Q Where was he living at that time? A On Big Creek, he told me.
Q Did he say then that he had been living on Grand river at the old place? A No sir.
Q You had always lived on the old place since your return? A Yes sir
Q Same place you lived on prior to the breaking out of the war? A Yes sir.
Q Had the applicant been there after the war -- to your house? A Not that I know of.
Q You saw him here in Vinita for the first time after the war? A Yes sir.
Q Did he come to your house at that time? A He came to my father's house and staid a day or two with my father.
(By Smith)
Q What was your father's name? A Johnson Thompson.
Q Is he a Cherokee? A Yes sir.
Q By blood? A Yes sir.
Q A recognized citizen of the Cherokee Nation? A Yes sir.
Q Did he own Daniel Thompson before the war? A Yes sir.
Q Was Daniel Thompson with your father when the war commenced? A Yes sir.
Q What time did you get back here after the war? A October, '66.
Q You came to what place? A Our old place.
Q How far from where Vinita is now? A 12 or 15 miles.
Q How old were you then? A 13 years old.

Q Just a boy? A Yes sir.
Q From the time that you came back to your old place, for the following two years, where were you? A I was there--I went to school one or two sessions at Pea Ridge, Arkansas.
Q Then you don't know if this applicant was there during that time or not, while you were away at school? A Not while I was away.
Q All you know is that the first time you saw him was in '71? A Yes sir.
Q You dont know how long he had then been in the Cherokee Nation? A No sir.
Q You dont know where he was during the war? A No sir.
(By Davenport)
Q When were you at school? A In '67, in the fall.
Q You was at home then from '66 to the fall of '67? A Yes sir.
Q You never saw the applicant there then? A No sir.
Q Never heard of him being there did you?
BY MR. SMITH: I object to him stating what he mighthave heard.
(By Smith of witness)
Q All you know is that you never saw this applicant until in '71 or '2? A Yes sir.
Q Before that time you don't know where he was? A No sir.

DAVID STINGER, being first duly sworn by Com.r T. B. Needles, testified as follows on the part of the Cherokee Nation:
(By Davenport)
Q What is your name? A David Stinger.
Q Where do you live? A On Big Creek, Cherokee Nation.
Q How old are you? A 60.
Q How long have you lived in the neighborhood of Big creek in the Cherokee Nation? A About 26 years.
Q Do you know the applicant here, Daniel Thompson? A Yes sir.
Q How long have you known him? A Since '72.
Q Where did you first see him? A I saw him in the Territory on the east prong of Big Creek.
Q What was he doing when you saw him? A Just commenced making a farm there.
Q Did you have a conversation with him then? A Yes sir.
Q What was that conversation? A He told me that he used to live here and was owned here, and that he went to Kansas, and thought he would come back because he was owned here---thought he would come back home as he called it.
Q Did he have a family with him then? A Yes sir.
Q What year was that? A I think in '72.
Q What improvements had he made then? A Nothing, he was just in a wagon there.
Q Did he say when he had gone to Kansas? A No, I dont know anything about that.
Q Was anything else said about his having been in the Cherokee Nation before that? A I dont think there was.
Q How many children did he have there? A Two.
Q What were their names? A Sandy and Mandy.
Q Were they both with him ? A Yes sir.
Q Did he afterwards make a place there? A Yes sir.
Q Where has he been living since? A Right there all the time.
Q What year was this you say he came there? A '72.
(By Smith)
Q You know that he has been living there continuously ever since '72 in the Cherokee Nation? A Yes sir.
Q How long had you been there in '72? A I came there in '71.
Q Where from? A Peoria, Illinois.
Q Had you ever been in the Cherokee Nation prior to '71? A No sir.

Q You don't know where this man Daniel Thompson was in 1870? A No I dont Know that.
Q You dont know where he was in '69? A No sir.
Q Or in '68? A No sir.
Q Or in '67? A No sir.
Q Or in '66? A No sir.
Q Or in '65? A No sir.
Q You dont know when he first returned to the Cherokee Nation after the war? A He told me then that he had returned then from Kansas.
Q You don't know whether he had been here before that or not? No sir he said he was owned here before the war.
Q You dont know when he first came here after the war? A No sir, only that time.
Q He might have been here before that and you not know it? A I wasn't here before the time I state and can't tell nothing about except when I was here.
(By Davenport)
Q Was he living there when you came there in '71? A No sir.
Q He said he came from Kansas when you saw him there? A Yes sir, and that he had educated his children in Kansas and was moving back home.

WILLIAM NOBLE, being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation:

(By Davenport)
Q What is your name? A William Noble.
Q Where do you live? A On Big creek. , Indian Territory.
Q Cherokee Nation? A Yes sir.
Q How long have you lived in the Cherokee Nation, Mr. Noble? A I think I came to the Cherokee Nation in the summer of '64.
Q How long have you lived on Big Creek? A Ever since the fall of '64 I think I went there then or in the spring of '65.
Q Do you know the applicant here, Daniel Thompson? A Yes sir.
Q How long have you known him? A Good many years, I cant say exactly how long, I think he moved in there on Big creek right close to me, I think he came from Kansas there in the fall of '72, and he has lived there ever since.
Q Did he settle a place there when he came down? A Yes sir.
Q How far from you? A Two and a half miles.
Q Do you remember seeing him when he came down there? A He was building when I first saw him, he had moved in there and commenced putting up a house.
Q Did he have his family with him? A Yes sir.
Q Children? A Wife and three children.
Q Did you have any conversation with him ? A Yes sir, he told me he just moved in from Kansas.
Q Did he tell you that he was a slave here before the war? A Yes sir, not right then but after that he told me that he had been a slave of Johnson Thompson and that he was going to see him.
(By Smith)
Q When did you first come to the Cherokee Nation after the war? A In '64.
Q Were you in the army? A Yes sir.
Q When were you discharged from the army? A I was discharged, I think it was in '62.
Q In what? A '62.
Q Were you discharged before the war closed? A No sir.
Q But you think it was in '62 that you were discharged? A I believe it was.
Q In '61 maybe? A Somewhere along there.
Q Somewhere in '61 or '2? A Yes sir.
Q You testified Saturday last in the Josh Vann case didn't you? A Yes sir.
Q Didn't you say then that you were discharged in the year '62 from

the army? A I dont think I did, I think I said I didn't know exactly.
Q Didn't you in that case come back and make a correction in your testimony as to the length of time that you had been here since you came after you were discharged from the army? A Yes sir.
Q When you came back to make that correction, didn't you say that you were discharged in '65 and that you were discharged after the war closed? A I think I was discharged in '62.
Q I am not asking you when you were discharged, I am asking you what you said then ? A I don't think I did.
Q When did the war close, what year? A I think it was in '61, wasn't it?
Q When did it commence? A You are just a little ahead of me when it commenced, I dont recollect it.
Q You were not discharged from the army until the war was over were you? A No sir,I was discharged twice, the last time thewar was over.
Q What did they discharged you for the first time? A Three years service.
Q Then you went back the second time? A Yes sir.
Q How long did you stay then? A Two years .
Q How long did that war last? A Five years, wasn't it?
Q How long was it after you were discharged the last time before you come to the Cherokee Nation? A I think it was about three years, two and a half or three years.
Q What year did you get here? A In the spring of '66.
Q You were ~~discharged the last time after the war~~ had closed and you didn't come to the Cherokee Nation for two and a half or three years after you were discharged from the army, is that right? A Yes sir.
Q And you are certain you were discharged from the army after the was was over? A Yes sir.
Q And you got here in '66? A Yes sir.
Q Now, how did you do that? I went from Louisville,Kentucky where I was discharged,to Iowa, and from Iowa to Kansas and from Kansas here.
Q You don't really know anything about this applicant do you? A Only from my papers,it shows that I had some trading with him in '72.
Q You dont know how long he had been here before that? A No sir.
Q You dont know when he came ~~no sir~~? A No sir, except when he came to Big Creek.
(By Davenport)
Q You dont know when the war began? A No sir.
Q Nor when it closed? A No sir.
Q Had Dave Stinger come to your place before Daniel Thompson come on Big Creek? A Yes sir.
(By Smith)
Q Where did you go after you were discharged? A Iowa.
Q Where did you go them? A Kansas.
Q Where did you stop in Kansas? A Neosho ~~FALLS~~ River, between the mouth of Cherry and Fly Creeks on a creek called Short creek.
Q Did you have any trouble up at Chetopa? A No sir.
Q Were you never arrested in Kansas? A No sir.
Q Do you remember a man named Gage in Chetopa? I dont remember,I am not acquainted with him.
Q Didn't you have any trouble with him and get arrested? A No sir.
Q Didn't he have you arrested? A I dont think so.
Q Don't you know? A I know I wasn't arrested there.
Q Have you ever been arrested at all? A Yes sir.
Q Where? A In the Cherokee Nation.
Q What for ? A Cattle stealing.
(By Davenport)
Q What became of that case? A It was taken to Fort Smith and went before the Grand Jury and they didn't find any bill against me.
(By Smith)
Q Are you a citizen of the Cherokee Nation? A Yes sir.

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This testimony will be filed with the original application of Daniel Thompson, Cherokee Freedman, D-608, and also in C. F. D. cases D-623 and D-693 and their subreferences.

* * * * * * * *

Chas. von Weise, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this 17th of October, 1901.

Commissioner.

EMILY LOONEY C. F. R-110

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 29th 1901.

In the matter of the application of Abraham Ward et al., C. F. D. #607
SUPPLEMENTAL TESTIMONY

Appearances:
W. W. Hastings for the Cherokee Nation.
Mellette & Smith for the applicants

By Mr. Hastings: I desire to file a certifice from J. A. Cady, County Clerk of Linn County, Kansas, showing that from the Assessment rolls of Mound City Township in Linn County Kansas, for the year 1867, there appears the following: " Peter Ward, One Female dog."

By Mr. Smith : The applicants object to the introduction in evidence of the above mentioned instrument, because it appears from the face that the same is not a certified copy of any record, but a statement of one J. A. Cady, certified to by him, the same not being within the rules of law in this jurisdiction inregard to the introduction of certified copies of records, and not being the best etidence, and for the further reason that the person named therein is in no way identified with the applicant in this case.

By Commissioner C. R. Breckinridge: The document in question will be filed in this case, the objection of counsel for the applicant will be noted and the matter will receive the further consideration of the Commission.

= = = =

Department of the Interior.

Commission to the Five Civilized Tribes.

In the matter of the application for enrollment of William Davis, et al., as citizens by intermarriage of the Cherokee Nation, consolidating the applications of:

William Davis,	Cherokee Freedmen D— 14,
Henry Thomas,	Cherokee Freedmen D— 58,
Ella Vann,	Cherokee Freedmen D— 70,
Mary Markham,	Cherokee Freedmen D—109,
Frances Melton,	Cherokee Freedmen D—110,
John Dotson,	Cherokee Freedmen D—111,
Mary Jane Vann,	Cherokee Freedmen D—115,
Thomas Lowe,	Cherokee Freedmen D—119,
Ella Mayfield,	Cherokee Freedmen D—124,
Sallie Rider,	Cherokee Freedmen D—147,
Reuben Campbell,	Cherokee Freedmen D—167,
Van Jackson Luther,	Cherokee Freedmen D—174,
Cassie Middleton,	Cherokee Freedmen D—178,
Mary Harris,	Cherokee Freedmen D—179,
Nellie Fields,	Cherokee Freedmen D—188,
John Kimbo,	Cherokee Freedmen D—198,
William S. Madden,	Cherokee Freedmen D—199,
Jane Dean,	Cherokee Freedmen D—205,
Albert P. Thomas,	Cherokee Freedmen D—209,
Mary Campbell,	Cherokee Freedmen D—270,
Caroline Daniels,	Cherokee Freedmen D—282,
Melvina Afferty,	Cherokee Freedmen D—287,
Dave Morris,	Cherokee Freedmen D—288,
Alexander Claggett,	Cherokee Freedmen D—300,
Amanda Martin,	Cherokee Freedmen D—304,
Eliza Mayes,	Cherokee Freedmen D—317,
John E. Barnes,	Cherokee Freedmen D—318,
Bob Davis,	Cherokee Freedmen D—335,
Samuel Brown,	Cherokee Freedmen D—340,
Howard F. Watson,	Cherokee Freedmen D—347,
Jack McConnell,	Cherokee Freedmen D—349,
Maude Manley,	Cherokee Freedmen D—370,

George Reed, Sr.,	Cherokee Freedmen D—382,
Buck Ledman,	Cherokee Freedmen D—406,
Bell Thompson,	Cherokee Freedmen D—411,
Lewis Scott,	Cherokee Freedmen D—420,
Abe Scott,	Cherokee Freedmen D—421,
Kender Lampton,	Cherokee Freedmen D—423,
Thomas E. Allen,	Cherokee Freedmen D—424,
Lewis Vanderford,	Cherokee Freedmen D—426,
John L. Bowlin,	Cherokee Freedmen D—444,
Katie Davis,	Cherokee Freedmen D—455,
Charles Williams,	Cherokee Freedmen D—473,
John J. Rose,	Cherokee Freedmen D—474,
Jane Martin,	Cherokee Freedmen D—486,
Lena Peterson,	Cherokee Freedmen D—490,
Alex Johnson,	Cherokee Freedmen D—493,
Martha Vann,	Cherokee Freedmen D—495,
John Scott,	Cherokee Freedmen D—501,
Nancy Ross,	Cherokee Freedmen D—513,
Charles C. Smith,	Cherokee Freedmen D—514,
Susie Colbert,	Cherokee Freedmen D—520,
William Skaggs,	Cherokee Freedmen D—545,
Susie Johnson,	Cherokee Freedmen D—546,
Alfred P. Hopkins,	Cherokee Freedmen D—550,
Kizzie Vann,	Cherokee Freedmen D—552,
Freddie Looney,	Cherokee Freedmen D—573,
Lucy Chouteau,	Cherokee Freedmen D—584,
Alice Durant,	Cherokee Freedmen D—588,
Mahaley Ward,	Cherokee Freedmen D—608,
Fred D. Thomas,	Cherokee Freedmen D—650,
Bettie Beck,	Cherokee Freedmen D—665,
Ellis Warren,	Cherokee Freedmen D—667,
Millie Robinson,	Cherokee Freedmen D—674,
Mary Webber,	Cherokee Freedmen D—691,
Frances Martin,	Cherokee Freedmen D—692,
Mary Riley,	Cherokee Freedmen D—696,
Emanuel Taylor,	Cherokee Freedmen D—699,
Henry Sykes,	Cherokee Freedmen D—733,
Larkin P. Powell,	Cherokee Freedmen D—735,
Stepney Dawn,	Cherokee Freedmen D—736,
Malinda Vann,	Cherokee Freedmen D—741,
Frances Johnson,	Cherokee Freedmen D—742,
Annie Foster,	Cherokee Freedmen D—743,
Mary H. Rogers,	Cherokee Freedmen D—752,
George Washington Lane,	Cherokee Freedmen D—758,
Jane Brown,	Cherokee Freedmen D—760,

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Samuel L. Young,	Cherokee Freedmen D—761,
John Buckner,	Cherokee Freedmen D—780,
Willie Cox,	Cherokee Freedmen D—781,
Leonard Bowles,	Cherokee Freedmen D—787,
Malinda Murrell,	Cherokee Freedmen D—788,
Charles Claggett,	Cherokee Freedmen D—789,
Samuel Irven,	Cherokee Freedmen D—795,
Mary Ross,	Cherokee Freedmen D—799,
Maggie Nave,	Cherokee Freedmen D—808,
Neoma Nave,	Cherokee Freedmen D—816,
Ella Ross,	Cherokee Freedmen D—840,
Elizabeth Duncan,	Cherokee Freedmen D—871,
Sadie Adams,	Cherokee Freedmen D—880,
Georgeann Archer,	Cherokee Freedmen D—901,
John Claggett,	Cherokee Freedmen D—912,
Hattie Smith,	Cherokee Freedmen D—923,
Jack Jackson,	Cherokee Freedmen D—938,
Lula Sanders,	Cherokee Freedmen D—973,
George Hazelrig,	Cherokee Freedmen D—987,
Lizzie West,	Cherokee Freedmen D—990,
Maria French,	Cherokee Freedmen D—1010,
Mary Johnson,	Cherokee Freedmen D—1039,
Maggie Vann,	Cherokee Freedmen D—1062,
William Hudson,	Cherokee Freedmen D—1067,
Sarah Rogers,	Cherokee Freedmen D—1078,
Abraham Ballard,	Cherokee Freedmen D—1082,
Laura David,	Cherokee Freedmen D—1085,
John Deckman,	Cherokee Freedmen D—1105,
James B. Perry,	Cherokee Freedmen R— 39,
Isaac Welch,	Cherokee Freedmen R— 45,
Lawson Logan,	Cherokee Freedmen R— 48,
George Howell,	Cherokee Freedmen R— 56,
Henry Mast,	Cherokee Freedmen R— 72,
George Adams,	Cherokee Freedmen R— 82,
Annie Thomas,	Cherokee Freedmen R— 83,
Lewis McConnell,	Cherokee Freedmen R— 86,
Callie Vann,	Cherokee Freedmen R— 94,
Lon Peters,	Cherokee Freedmen R— 96,
Ida Adair,	Cherokee Freedmen R— 99,
Robert Brown,	Cherokee Freedmen R—100,
Alfie Chambers,	Cherokee Freedmen R—102,
Isom Johns,	Cherokee Freedmen R—104,
Alice Gunter,	Cherokee Freedmen R—105,
Katie Adair,	Cherokee Freedmen R—106,
Carrie Martin,	Cherokee Freedmen R—107,

Benjamin Clarke,	Cherokee Freedmen R—108,
Emily Looney,	Cherokee Freedmen R—110,
John Groves,	Cherokee Freedmen R—112,
Matilda McNair,	Cherokee Freedmen R—117,
Bettie Vann,	Cherokee Freedmen R—122,
Nelson Lott,	Cherokee Freedmen R—125,
Fannie Rogers,	Cherokee Freedmen R—129,
William Washington,	Cherokee Freedmen R—131,
Squire Warren Owens,	Cherokee Freedmen R—143,
Fannie Goldsby,	Cherokee Freedmen R—144,
Susan Daniels,	Cherokee Freedmen R—146,
Anderson Tuck,	Cherokee Freedmen R—148,
David Lane,	Cherokee Freedmen R—155,
Felix McClain,	Cherokee Freedmen R—165,
Henderson Jones,	Cherokee Freedmen R—173,
Belle Vann,	Cherokee Freedmen R—181,
Levi Strond,	Cherokee Freedmen R—196,
John Sumpter,	Cherokee Freedmen R—311,
Mariah Thompson,	Cherokee Freedmen R—330,
Ellen Sheppard,	Cherokee Freedmen R—337,
Lula Melton,	Cherokee Freedmen R—347.

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DECISION.

It appears from the record herein that applications for enrollment as Cherokee citizens by intermarriage, were made to this Commission by William Davis for himself; by Hannah Thomas for her husband, Henry Thomas; by Jim Vann for his wife, Ella Vann; by Sig Markham for his wife, Mary Markham; by Nathan Melton for his wife, Frances Melton; by Mary Dotson for her husband, John Dotson; by George W. Vann for his wife, Mary Jane Vann; by Thomas Lowe for himself; by Thomas Mayfield for his wife, Ella Mayfield; by James Rider for his wife, Sallie Rider; by Reuben Campbell for himself; by Van Jackson Luther for himself; by Tobe Midleton for his wife, Ossie Midleton; by Thomas Harlin for his wife, Mary Harlin; by John Fields for his wife, Nellie Fields; by John Kimbo for himself; by William S. Madden for himself; by Tobias Bean for his wife, Jane Bean; by Etta Thomas for her husband, Albert T. Thomas; by James Campbell for his wife, Mary Campbell; by Frank Daniels for his wife, Caroline Daniels; by Jim Alberty for his daughter-in-law, Melvina Alberty; by Sarah Morris for her husband, Dave Morris; by Jane Claggett for her husband, Alexander Claggett; by Payton Martin for his wife, Amanda Martin; by Charles Martin for his wife, Eliza Martin; by John E. Barnes for himself; by Joe Davis for his wife, Bell Davis; by Ellen Brown for her husband, Samuel Brown; by Mary Ann Watson for her husband, Howard F. Watson; by Jack McConnell for himself; by Maude Manley for herself; by George Reed, Sr., for himself; by Buck Ledman for himself; by Bell Thompson for herself; by Lewis Scott for himself; by Abe Scott for

himself; by Kender Lampton for himself; by Thomas E. Allen for himself; by Lewis Vanderford for himself; by Elizabeth Bowlin for her husband, John L. Bowlin; by John D. Davis for his wife, Katie Davis; by Charles Williams for himself; by John J. Rose for himself; by David Martin for his wife, Jane Martin; by Fred Peterson for his wife, Lena Peterson; by Mariah Johnson for her husband, Alex Johnson; by Joseph Vann for his wife, Martha Vann; by John Scott for himself; by Steve Looney for Nancy Ross: by Charles C. Smith for himself; by James Colbert for his wife, Susie Colbert; by Rosanna Skaggs for her husband, William Skaggs; by Susie Johnson for herself; by Alfred P. Hopkins for himself; by Charles Vann for his wife, Kizzie Vann; by Jake Looney for his wife, Freddie Looney; by Lucy Chouteau for herself; by Alice Durant for herself; by Alonzo Ward for his wife, Mahaley Ward; by Fred D. Thomas for himself; by Benjamin Beck for his wife, Bettie Beck; by Ellis Warren for himself; by William Henry Robinson for his wife, Millie Robinson; by Josh Webber for his wife, Mary Webber; by Otto Martin for his wife, Frances Martin; by Ed Riley for his wife, Mary Riley; by Emanuel Taylor for himself; by Henry Sykes for himself; by Larkin P. Powell for himself; by Stepney Dawn for himself; by Ellis Vann for his wife, Malinda Vann; by David Johnson for his wife, Frances Johnson; by Phillip Foster for his wife, Annie Foster; by Houston Rogers, Jr., for his wife, Mary H. Rogers; by George Washington Lane for himself; by Silas Hammer Brown for his wife, Jane Brown; by Samuel L. Young for himself; by Lizzie Buckner for her husband, John Buckner; by Sarah Cox for her husband, Willis Cox; by Susan Bowles for her husband, Leonard Bowles; by Henry Murrell for his wife, Malinda Murrell; by Charles Claggett for himself; by Samuel Irven for himself; by David Ross for his wife, Mary Ross; by George F. Nave for his wife, Maggie Nave; by Lewis Armstead Nave for his wife, Neoma Nave; by Perry Ross for his wife, Ella Ross; by Elizabeth Duncan for herself; by Perry Adams for his wife, Sadie Adams; by Thomas Archer for his wife, Georgeann Archer; by Nancy Claggett for her husband, John Claggett; by Sonny Smith for his wife, Hattie Smith; by Jack Jackson for himself; by John Sanders for his wife, Lula Sanders; by Mary Hazelrig for her husband, George Hazelrig; by George West for his wife, Lizzie West; by Maria French for herself; by Mary Johnson for herself; by Maggie Vann for herself; by William Hudson for himself; by Sarah Rogers for herself; by Abraham Ballard for himself; by King David for his wife, Laura David; by John Deckman for himself; by James B. Perry for himself; by Isaac Welch for himself; by Nancy Logan for her husband, Lawson Logan; by Maria Howell for her husband, George Howell; by Amanda Masir for her husband, Henry Masir; by Katie Adams for her husband, George Adams; by Willie Thomas for his wife, Annie Thomas; by Lewis McConnell for himself; by Josh Vann for his wife, Callie Vann; by Lou Peters for herself; by Robert Adair for his wife, Ida Adair; by Josie Brown for her husband, Robert Brown; by Mat Chambers for his wife, Allie Chambers; by Rachel Jones for her husband, Isom Jones; by Lewis Gunter for his wife, Alice Gunter; by Amos Adair for his wife, Katie Adair; by William H. Martin for his wife, Carrie Martin; by Benjamin Clark for himself; by Emily Looney for herself; by Mary Groves for her husband, John Groves; by Butler McNair for his wife, Matilda McNair; by Bettie Vann for herself; by Nelson Lett for himself; by Allen Rogers for his wife, Fannie Rogers; by William Washington for himself; by Squire Warren Owens for himself; by Fannie Goldsby for herself; by Charles Daniels for his wife, Susan Daniels; by Rachel Turk for her husband, Anderson Turk; by David Lane for himself; by Felix McClain for himself; by Henderson Jones for himself; by Isaac Vann for his wife, Belle Vann; by Maggie Stroud for her husband, Levi Stroud; by John Sumpter for himself; by Mariah Thompson for herself; by Ellen Sheppard for herself; and by Lula Melton for herself, claiming their right thereto by virtue of their marriage to Freedmen Cherokee citizens.

The record further shows that none of the applicants herein make any claim to enrollment as citizens of the Cherokee Nation other than as set forth above.

It further appears from the record herein that at the time applications were made for the enrollment of the above named applicants, application was also made for the enrollment of other applicants as Cherokee Freedmen, but said applications being differently classified are not included in this decision.

It does not appear that any of the applicants herein are identified upon the 1880 Authenticated Cherokee Roll, nor does it appear that any of said applicants has ever been admitted to Cherokee citizenship by a duly constituted court or committee of the Cherokee Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321).

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Lemuel Welcome, (I. T. D. 5848-1904, 11,776-1904), the applications made for the enrollment of William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Midleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Melinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington,

Squire Warren Owens, Fannie Goldsby, Susan Daniels, Andersen Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Strunk, John Sumpter, Morris Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by intermarriage, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[SIGNED] TAMS BIXBY,
Chairman.

[SIGNED] T. B. NEEDLES,
Commissioner.

[SIGNED] C. R. BRECKINRIDGE,
Commissioner.

MUSKOGEE, INDIAN TERRITORY, JANUARY 19, 1905.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JUN 5 1901

ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 5 1901

Post Office Ft Gayville Ind. Ter.

District 1st Dist

1. Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

Rejected

1. Name of wife Emily Looney Age 55

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

Names of Children:

3. ..... Year ..... Page ..... No. ..... Dist. .....
4. ..... Year ..... Page ..... No. ..... Dist. .....
5. ..... Year ..... Page ..... No. ..... Dist. .....
6. ..... Year ..... Page ..... No. ..... Dist. .....
7. ..... Year ..... Page ..... No. ..... Dist. .....
8. ..... Year ..... Page ..... No. ..... Dist. .....
9. ..... Year ..... Page ..... No. ..... Dist. .....
10. ..... Year ..... Page ..... No. ..... Dist. .....
11. ..... Year ..... Page ..... No. ..... Dist. .....
12. ..... Year ..... Page ..... No. ..... Dist. .....

Rejected

Application made by No. 1 Stenographer W. C. Jones

A. Ref.

COPY.

Cherokee Freedmen

R-110.

Muskogee, Indian Territory, January 24, 1905.

Emily Looney,

Coffeyville, Kansas.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.

Chairman.

Incl. S-91.

Register.

COPY.

Cherokee Freedmen
D-34 et al.

Muskogee, Indian Territory, January 24, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Hardman, Frances Melton, John Watson, Mary Jane Vann, Thomas Lewis, Ella Mayfield, Willie Rider, Reuben Campbell, Van Jackson Luther, Emmit Middleton, Mary Martin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Katrina Alberty, Dave Morris, Alexander Chuggett, Amanda Martin, Elias Martin, John E. Barnes, Emil Davis, Samuel Brown, Howard F. Vaughn, Jack McConnell, Kanie Manley, George Reed, Sr., Buck Lashley, Will Thompson, Lewis Scott, Abe Scott, Wonder Lampton, Thomas E. Allen, Lewis Vanderford, John F. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lona Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles E. Smith, Susie Gilbert, William Skaggs, Susie Johnson, Alfred F. Hopkins, Minnie Vann, Freddie Looney, Lucy

Cheuteau, Alice Durant, Pahaley Ward, Fred D. Thomas, Bettie Buck, Ellis Warren, Millie Arbinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stephen Jones, Malinda Vann, Frances Johnson, Annie Foster, Mary E. Rogers, George Washington Lowe, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Worrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Ware, Emma Wave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Dula Sanders, George Hendrix, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Anderson, James B. Perry, Isaac Walsh, Lenora Logan, George Ezell, Henry Hair, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lee Roberts, Ida Blair, Robert Brown, Allie Chambers, Isam Jones, Alice Gunter, Katie Blair, Charlie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Hettie Vann, Delana Lott, Fannie Rogers, William Washington, Squire Warren Jones, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix Goldsby, Henderson Jones, Bella Vann, Levi Stroud, John Hampton, Martha Thompson, Elbert Sheppard and Lola Melton, as Cherokee citizens by intermarriage.

The decision, together with the record of proceedings had in the cause, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the

Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

Incl. K-9.

COPY.

Cherokee Freedman
D-14 et al.

Muskogee, Indian Territory, January 24, 1905.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted record of proceedings had in the matter of the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Midleton, Mary Harlin, Nellie Fields, John Kimbo, Williams S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Kelvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Lampson, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Ross, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Minnie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Peggy D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber,

Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin F. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Keeler, Mary E. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Worrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Shaw, Noona Nave, Ella Ross, Elizabeth Duncan, Sadie Sims, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Linnie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Buckman, James B. Berry, Isaac Welch, Lawson Logan, George Howell, Henry Muir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lee Peters, Ida Adair, Robert Brown, Allie Chambers, Iowa Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Lacney, John Groves, Matilda McNair, Bettie Vann, Nelson Lott, Francis Rogers, William Washington, Squire Warren Owens, Fannie Gaffney, Susan Daniels, Andersen Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Marion Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by intermarriage, including the Commissioner's decision dated January 10, 1905, rejecting said applications.

Respectfully,

(SIGNED) Tams Bixby.

Chairman.

Indi. T-S.
Through the
Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR,

Refer in reply to the following: Land. 7908-1905.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, March 20, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 24, 1905, transmitting the record of the application for enrollment as Cherokee citizens by intermarriage to Cherokee freedmen by William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Marlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Nell Davis, Samuel Brown, Howard P. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Lehman, Nell Thompson, Lewis Scott, Abe Scott, Kender Langton, Thomas H. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Ross, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Meagre, Susie Johnson, Alfred P. Hopkins, Elsie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck,

Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Tayler, Henry Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buskner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Mariah French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Nasir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard, and Lula Melton.

January 19, 1905, the Commission decided adversely to all the applicants.

The record shows that none of the applicants makes claim to enrollment as citizens of the Cherokee Nation, except by intermarriage with a Cherokee Freedman; that none has ever been enrolled or admitted to citizenship by any tribal authority of the Cherokee Nation or by any United States tribunal and that none

is identified on the 1880 authenticated Cherokee roll.

In view of the record and of the ruling of the Department of November 12, 1904 (I. T. D. 5848-1904) in the Leonel Welcome case, the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

M.M.F.
W.

(C O P Y)

D.C. 20877-1905
I.T.D. 2904-1905.

W C F
F V L

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

April 17, 1905

L R S

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

January 24, 1905, you transmitted the record in the matter of the applications for the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation including your decision of January 14, 1905, rejecting said applications, viz:

William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Wields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty , Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard W. Watson, Jack McConnell, Maude Manley , George Reed,Sr., Buck Lehman, Bell Thompson, Lewis Scott, Abe Scott, Vander Lampton, Thomas B. Allen Lewis Vandorford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Petersen, Alex Johnson, Martha Vann,

John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary E. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Wave, Neoma Wave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deelsann, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Vasir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Greaves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard, and Lula Melton.

Reporting in the matter March 21, 1905, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) THOS. RYAN
Acting Secretary.

1 inclosure.

COP

Cherokee Freedmen

R-110.

Muskogee, Indian Territory, April 28, 1905.

Emily Looney,

Coffeyville, Kansas.

Dear Madam:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting, among others, your application for enrollment as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

SIGNED. Tams Bixby.
Chairman.

COPY.

Cherokee Freedmen

D-14 , et al

Muskogee, Indian Territory, April 28, 1906.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED) Tams Bixby.

Chairman.

COPY.

Cherokee Freedmen
D-14, et al.

Muskogee, Indian Territory, April 28, 1905.

Commissioner in Charge,
Cherokee Land Office,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

SIGNED, Tams Bixby.
Chairman.

ENROLLMENT REFUSED.

CHEROKEE FREEDMAN. R 110

Dawson

IN THE MATTER OF THE APPLICATION OF

Emily Looney

FOR ENROLLMENT AS

CHEROKEE FREEDMEN

A. Original testimony June 5. 1901

B. Mem. of application " " "

C. Supt. Ser't from case of Daniel Thompson 10/15/01

Supt Ser't from Abraham Ward case 10/29/01

See Cherokee Freedmen Docket No. 0512.

Cher. Fr. R-111

Cher. Fr. R-111

REJECTED: as to child, Lola.

Department of the Interior,
Commission to the Five Civilized Tribes,
Gibson, I.T., June 5,1901.

In the matter of the application of Henry Scharbauker for the enrollment of himself and one child as Cherokee Freedmen; being duly sworn and examined by Commissioner Brocksmith, he testified as follows:

Q Give me your full name? A Henry Scharbauer.
Q How old are you? A I don't know exactly, but I am about 38.
Q What is your post-office? A My post-office is Warner.
Q In what district do you live? A Coo-ee-scoo-wee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir.
Q Do you want to apply for anybody besides yourself? A No, I have got there's one child written on the Clifton and Korn roll, I don't know whether I can enroll for it or not; my wife enrolled at Gibson for my other children.
Q Has your wife already applied? A Yes sir at Gibson, Ft. Gibson.
Q But no application was made for you? A No sir, my wife was on the 1880 roll; she enrolled for the children and herself.
Q How long have you lived in the Cherokee Nation? A I have lived here all my life.
Q Were you born in the Cherokee Nation? A Yes sir.
Q Never been out of it? A No sir.
Q Not since the war? A Yes sir, when I was small I went down South with my mother.
Q Give me the name of your father. A Tobe Scharbauer.
Q Is he dead? A Yes sir.
Q How long has he been dead? A Well, he has been dead, I was small, I guess I wasn't more than about 7 years old when he died.
Q Give me the name of your mother? A Sonay Brewer.
Q Is she dead? A No sir, she is backware.
Q Was your father a Cherokee Freedman? A Yes sir.
Q Is your mother a Cherokee Freedman? A Yes sir.
Q Is she on the 1880 roll? A Yes sir.
Q Are you on the 1880 roll? A No sir.
Q Give me the name of this child? A Lola is what its name is.
Q Lola Scharbauer? A Yes sir.
Q How old is this child? A About 10 years old, I guess, born time of the Wallace.
Q Is this child living now? A Yes sir.
Q Give me the name of the mother of this child? A Its mother was named Mary Tucker.
Q Is this child's mother alive? A No sir.
Q How long was she be on dead? A I don't know, exactly, it was be on three or four years though.
Q How old was she when she died? A She was about 30 years old I guess, I don't know exactly her age.
Q Was this woman your wife? A No sir.
Q Give me the name of this ~~xxxxx~~ woman's father? A John Tucker.
Q Is he dead? A No sir.
Q Give me the name of this woman's mother? A Susan Tucker.
Q Is she dead? A No sir.
Q Was Mary Tucker a Cherokee Freedman? A I don't know, I think she did apply for it, I don't know whether she did or not, I don't know anything about that at all.
Q You know whether either her father or mother is upon the roll of 1880? A No, I don't.
Q You know whether they claim to be Cherokee Freedmen? A I think her father did.
Q He is alive now isn't he? A Yes sir, he is alive.
Q You have a wife now? A Yes sir.

Q What is her name? A Hester Scharinsker, it was Rogers.
Q She was applied for herself and her children by you? A Yes, three of them.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not found thereon;

Q What was your mother's name before it was Brewer? A Carter.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant's mother identified on page 502 #79 Seenie Brewer, Illinois District, adopted col'd
1880 authenticated roll of citizens of the Cherokee Nation examined for John and Susan Tucker, and daughter, Mary, and names not identified thereon.

1896 census roll of citizens of the Cherokee Nation examined for applicant and name not found;
1896 census roll examined for Mary Tucker and for her parents John and Susan Tucker, and names of none are found thereon.

Q Did you draw Strip money? A Yes sir.

Kerns-Clifton pay roll of citizens of the Cherokee Nation examined and applicant and child identified thereon as page 105 #2619 Lella Scharinsker, Cooweescoowee District;
page 105 #2618 Henry Scharinsker, Cooweescoowee District.

Q Did Mary Tucker draw Cherokee Strip money? A (No reply)

Kerns-Clifton pay roll of citizens of the Cherokee Nation examined and neither Mary Tucker nor her parents, ~~xxxxxxx~~ Susan, are identified thereon.

Q Did Mary have a brother named Joseph? A Yes sir.

Kerns-Clifton pay roll of citizens of the Cherokee Nation examined and John Tucker identified on page 184 #4528 John Tucker, (No district)

Wallace roll of citizens of the Cherokee Nation examined page 139 #2020 Henry Scharinsker, Cooweescoowee District.

Wallace roll of citizens of the Cherokee Nation examined for John and Susan Tucker, and child Mary, and names not found.

Q Seney Brewer is not your step-mother? A That's my own mother.
Q How come that you are not on the roll of 1880? A I was taken- my father you know he come and taken me from my mother when I was small after my mother's owners brought her backto Gibson in '65, he come to get us and take us up on Grand River and I wasn't raised with mother at all, me being up there with some body else I was counted a doubtful citizen and got misplaced that way.
Q You just got left off? A Yes sir.
Q Did you come back with your mother from the south? A Yes sir, I was small, little fellow.

SEENIE BREWER, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Seenie Brewer.
Q How old are you? A I reckon I am in 60.
Q What is your post-office? A I am staying over at Muskogee.

Q How long have you been living at Muskogee? A About 4 or 5 years.
Q Where did you live before that? A Pt. Gibson.
Q How long had you lived in the Cherokee Nation? A All my life.
Q You were out during the war? A Yes sir, in the Choctaw Nation.
Q What time did you come back? A I come back the year of '65.
Q Are you the mother of this applicant here? A Yes sir, I fetched back four of them, but one of them is dead.
Q How many times have you been married? A Three times.
Q What was the name of your first husband? A His father, Schrimsher
Q Was this son with you when you went out to the Choctaw Nation during the war? A Yes sir, he was my baby when I went out.
Q What did you do with him after the war? A His father come and got him after my owners fetched me back.
Q Did this son come back with you? A Yes sir.
Q You state after that his father came and got him? A Yes sir, after I come back.
Q Did you and his father part? A Yes sir.
Q Where did his father take him? A He just took him up here in the Cherokee Nation up here in Coowescoowee.
Q You have applied for enrollment haven't you? A Yes sir, at Pt. Gibson.

Q Did you apply for anybody besides yourself? A No sir, none but myself.
Q Have you lived in the Cherokee Nation all the time since the war until you went over to Muskogee? A Yes sir, I haven't been out, only just went over to Muskogee, I was working and I just went over there and worked.

Applicant, HENRY SCHRIMSHER, re-called and further examined, by Cherokee Representative, James Davenport:

Q Where were you living when you can first remember? A I was going to school up here at the old Doctor Thompson place on Grand river.
Q You don't remember when you come back from the south? A No, I was small.
Q Do you remember who you come back with? A My mother and old man Dave Carter.
Q Was that John Carter's father? A Yes sir, mother and his father.
Q Where was John Brown? A I don't know anything about him, I was small, I can recollect, but so far as any particulars about any other matters at all I couldn't state at all, because I don't know.

Witness, ERNEST BREWER, re-called and further examined, By Commissioner Breckinridge:

Q Was this son born when the war broke out? A Yes sir, born the year the war broke out, he wasn't quite a year old.
Q He is a little older than he thinks he is, he thinks he is 38 he is about 40 isn't he? A I think he is.

Com'r Breckinridge. The applicant applies for the enrollment of himself and one child; the applicant is identified on the Wallace roll and the Kern-Clifton roll, but not upon the roll of 1880 or that of 1896; his mother is living, and has testified in the case; she is duly identified on the 1880 roll and has been listed for enrollment upon strict Cherokee freedman card 501; it is shown that the applicant was brought back by his mother to the Cherokee Nation at the time she returned from the Choctaw Nation at the close of the Civil War,

and it is evident that his failure to be upon the roll of 1880 is due to the fact that his father took him away from his mother and he was in a measure lost sight of and neglected at that time; there being no doubt as to his right to enrollment at this time, he will be listed for enrollment as a Cherokee Freedman on a straight card; the applicant is found to have been applied for by his wife, she not understanding his status, having applied for him as a Cherokee Freedman by intermarriage; and he is already listed upon Cherokee Freedman doubtful card 143; there will be no change made in the carding at this time, but this testimony will be filed with his case, D 143, and attention will be called to it upon his card; and when the case is reached in the regular order it will be considered so far as the field decision is concerned as entitled to class as a straight enrollment;

Now as for the child for whom the applicant applies: Lela Schrimsher; this is not a child of his present wife; it appears that his wife and her children have already been applied for and it seems have been duly enrolled; this is a child of one Mary Tucker, deceased, and to whom the applicant was never married; therefore, this child can possess no rights except those enjoyed by its deceased mother; the child is said to be now living, and is identified on the Kern)Clifton roll, but its deceased mother is not identified on any roll, and she was some 20 years of age when she died;her father is said to be now living; he is doubtfully identified on the Kern)Clifton roll, but not upon the roll of 1880 or of 1896 or the Wallace roll; her mother, the grandmother of this child, is said to be now living, and she is not identified upon any roll; under these conditions it is not considered that the child possesses any rights through its deceased mother, through whom alone it can possess any rights, and therefore the application for the enrollment of the child will be listed upon a Cherokee Freedman card for Rejection.

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M.D.Green,being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this June 7,1901.

Commissioner.

CHEROKEE FREEDMAN. 111

Decision

IN THE MATTER OF THE APPLICATION OF

Ida S Chrisman

FOR ENROLLMENT AS

CHEROKEE FREEDMEN

N. J. agnac testimony dated 6/

Ver. in sup. of application " "

(1. N. 2223

See Cherokee Freedmen Packet

Ans D 143

Cher. Fr. R-112

Cher. Fr. R-112

File with John Groves, rejected C.F.

Department of the Interior,
Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 6, 1901.

In the matter of the application of Mary Groves for the enrollment of herself, her husband, and four children as Cherokee Freedmen.

Mary Groves, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Mary Groves.
Q How old are you? A I don't know my age.
Q As near as you can come? A About fifty.
Q Tell me your post office? A Talala.
Q In what district do you live, Cooweescoowee? A Yes, sir.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you want to apply for anybody besides yourself? A Yes, sir.
Q Have you a husband you want to apply for? A He is a state man.
Q Did he get out a Cherokee license when he married you? A Yes, sir.
Q Then you had better apply for him? A All right.
Q How many children do you want to apply for? A I have four living.
Q Are these children all under 21 years of age? A Yes, sir.
Q Are they all unmarried? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A All my life, don't know any other place.
Q Are you on the roll of 1880? A Yes, sir.
Q Give me the name of your father? A Joe Tucker.
Q Is he alive? A No, sir, he is dead, I don't recollect him.
Q Give me the name of your mother? A Ruthie Tucker.
Q Is she alive? A No, sir, she is dead.
Q Give me the name of your husband? A John Groves.
Q How old is he? A I don't know.
Q Is he about your age? A He is a little younger.
A Well, about 45? A Yes, sir, about that.
Q When were you and he married? A We were married time of the payment.
Q Along in 1896? A Yes, sir.
Q Have you a Cherokee license you say: let me have it if you have?
A No, sir, I haven't got it.
Q Did you ever get one? A He did.
Q Well, where is it? A I guess it must be at Claremore.
Q Have you got a certificate of marriage? A No, sir.
Q Were you ever married before you married this man? A Yes, sir.
Q How many times? A Once, my husband was dead.
Q What was the name of your first husband? A Alfred Dennis
Q You say he is dead? A Yes, sir.
Q Was he a Cherokee Freedman? A Yes, sir.
Q A state man, was he? A Yes, sir.
Q How long has he been dead? A Been dead, he died three years before the payment.
Q Died before you married your present husband? A Yes, sir.
Q Well now this husband, was he ever married before he married you?
A No, sir, never was married.
Q Are you sure of that; how do you know that; had you known him a long time? A He said that; yes, sir, I have been knowing him a good while.
Q How long had you known him before you married? A Two or three years.
Q And he was never married as far as you know? A No, sir.
Q Now give me the names of these four children? A James Dennis.
Q How old is James? A I don't remember how old he is.
A Come as near as you came? A About 11.
Q Give me the name of the next child? A Annie Dennis.
Q How old is Annie? She is about 16 I guess.

Q Give me the name of the next child? A John Dennis.
Q How old is John? A He is 7 years old.
Q What is the name of the next child? A Carrie.
Q How old is Carrie? A She is 3 years old.
Q Now are these children all living? A Yes, sir.
Q Now who is here who knows about your being married to this man, have you got any old neighbor here? A Yes, sir.

Houston Rogers, Sr., being duly sworn and examined by Commissioner Breckinridge, testified as follows:
Q What is your name? A Houston Rogers, Sr.
Q How old are you? A I must be about somewhere along about 63 I think.
Q What is your post office? A Clarmore; Talala.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Do you know the applicant here, Mary Groves? A Yes, sir.
Q How long have you known her? A Known her thirty years and maybe a little longer than that as near as I can come at it.
Q Well, what was her name when she married Groves? A Mary Tucker.
Q Wasn't she married once before she married Groves? A Yes, sir.
Q What was the name of that husband? A Alfred Dennis.
Q Has she ever been married but these two times? A Only twice that I ever knowed of.
Q And Dennis was her first husband? A Yes, sir, I raised her.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant Mary Groves identified thereon, page 91, No.842, Coowescoowee district, as Mary Denis:
Mary Groves on 1896 census roll, page 401, No. 130, Coowescoowee district, as Mary Dennis:
James Dennis on page 401, No. 132, Coowescoowee district;
Annie Dennis on page 401, No. 133, Coowe-scoowee district;
John Dennis on page 401, No. 135, Coowescoowee district, as Johnie Dennis.

Commissioner: The applicant applies for the enrollment of herself, her husband and four children. The applicant is identified on the rolls of 1880 and 1896 as a Cherokee Freedman. She has lived in the Cherokee Nation all her life, and she will be listed for enrollment as a Cherokee Freedman. Her husband is a state man. She testifies that she was once previously married, and that her former husband was dead when she married her present husband, and that her present husband has never previously married. She further testifies that she was married to him in 1896, and that he procured a Cherokee license, but no evidence is produced of that fact. In any event, his marriage to the applicant would be too late, under the Cherokee National Law of December 16, 1895, to entitle him to enrollment as this time, and the application for his enrollment is rejected. The applicant's change of name arising from marriage is established in satisfactory manner. As for the applicant's four children, the first three are duly identified on the roll of 1896, they are minors, and are living, and will now be listed for enrollment as Cherokee Freedmen. When she supplies the Commission with a satisfactory proof of the birth of the youngest child, Carrie Dennis, this child also will be listed for enrollment as a Cherokee Freedman.

Q Is this child Carrie Dennis? A No, sir, Carrie Groves.
Q Just the elder ones are Dennis? A Yes, sir.

The three children are children by her first husband, and their name is Dennis: the youngest child of the child of her last husband, and her name is Groves.

****

Bruce O. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce O. Jones

Sworn to and subscribed before me this the 10th of June, 1902.

Commissioner.

Department of the Interior.

Commission to the Five Civilized Tribes.

In the matter of the application for enrollment of William Davis, et al., as citizens by intermarriage of the Cherokee Nation, consolidating the applications of:

William Davis,	Cherokee Freedmen D— 14,
Henry Thomas,	Cherokee Freedmen D— 38,
Ella Vann,	Cherokee Freedmen D— 70,
Mary Markham,	Cherokee Freedmen D— 100,
Frances Melton,	Cherokee Freedmen D— 110,
John Dotson,	Cherokee Freedmen D— 111,
Mary Jane Vann,	Cherokee Freedmen D— 115,
Thomas Lowe,	Cherokee Freedmen D— 119,
Ella Mayfield,	Cherokee Freedmen D— 124,
Sallie Rider,	Cherokee Freedmen D— 147,
Reuben Campbell,	Cherokee Freedmen D— 167,
Van Jackson Luther,	Cherokee Freedmen D— 174,
Cassie Middleton,	Cherokee Freedmen D— 176,
Mary Harlin,	Cherokee Freedmen D— 179,
Nellie Fields,	Cherokee Freedmen D— 186,
John Kimbo,	Cherokee Freedmen D— 190,
William S. Madden,	Cherokee Freedmen D— 196,
Jane Bean,	Cherokee Freedmen D— 205,
Albert T. Thomas,	Cherokee Freedmen D— 240,
Mary Simpson,	Cherokee Freedmen D— 243,
Caroline Daniels,	Cherokee Freedmen D— 258,
Melvina Allberty,	Cherokee Freedmen D— 260,
Dave Morris,	Cherokee Freedmen D— 286,
Alexander Claggett,	Cherokee Freedmen D— 306,
Amanda Martin,	Cherokee Freedmen D— 309,
Eliza Martin,	Cherokee Freedmen D— 311,
John E. Barnes,	Cherokee Freedmen D— 315,
Bell Davis,	Cherokee Freedmen D— 330,
Samuel Brown,	Cherokee Freedmen D— 340,
Howard B. Watson,	Cherokee Freedmen D— 342,
Jack McConnell,	Cherokee Freedmen D— 346,
Maude Manley,	Cherokee Freedmen D— 366,

George Reed, Sr.,	Cherokee Freedmen D—382,
Buck Ledman,	Cherokee Freedmen D—406,
Bell Thompson,	Cherokee Freedmen D—411,
Lewis Scott,	Cherokee Freedmen D—420,
Abe Scott,	Cherokee Freedmen D—421,
Kinder Langston,	Cherokee Freedmen D—425,
Thomas E. Allen,	Cherokee Freedmen D—424,
Lewis Vanderford,	Cherokee Freedmen D—426,
John L. Bowlin,	Cherokee Freedmen D—444,
Katie Davis,	Cherokee Freedmen D—455,
Charles Williams,	Cherokee Freedmen D—473,
John J. Rose,	Cherokee Freedmen D—474,
Jane Martin,	Cherokee Freedmen D—486,
Lena Peterson,	Cherokee Freedmen D—490,
Alex Johnson,	Cherokee Freedmen D—493,
Martha Vann,	Cherokee Freedmen D—495,
John Scott,	Cherokee Freedmen D—501,
Nancy Ross,	Cherokee Freedmen D—513,
Charles C. Smith,	Cherokee Freedmen D—514,
Susie Colbert,	Cherokee Freedmen D—520,
William Skaggs,	Cherokee Freedmen D—545,
Susie Johnson,	Cherokee Freedmen D—546,
Alfred P. Hopkins,	Cherokee Freedmen D—550,
Kissie Vann,	Cherokee Freedmen D—552,
Freddie Looney,	Cherokee Freedmen D—573,
Lucy Chouteau,	Cherokee Freedmen D—584,
Alice Durant,	Cherokee Freedmen D—588,
Mahaley Ward,	Cherokee Freedmen D—606,
Fred D. Thomas,	Cherokee Freedmen D—650,
Bettie Beck,	Cherokee Freedmen D—665,
Ellis Warren,	Cherokee Freedmen D—667,
Millie Robinson,	Cherokee Freedmen D—674,
Mary Webber,	Cherokee Freedmen D—691,
Frances Martin,	Cherokee Freedmen D—692,
Mary Riley,	Cherokee Freedmen D—696,
Emanuel Taylor,	Cherokee Freedmen D—699,
Henry Sykes,	Cherokee Freedmen D—733,
Larkin F. Fowell,	Cherokee Freedmen D—735,
Stepney Dawn,	Cherokee Freedmen D—736,
Malinda Vann,	Cherokee Freedmen D—741,
Frances Johnson,	Cherokee Freedmen D—742,
Annie Foster,	Cherokee Freedmen D—743,
Mary H. Rogers,	Cherokee Freedmen D—752,
George Washington Lane,	Cherokee Freedmen D—758,
Jane Brown,	Cherokee Freedmen D—760,

CFR 112

Samuel L. Young,	Cherokee Freedmen D—761,
John Buckner,	Cherokee Freedmen D—780,
Willis Cox,	Cherokee Freedmen D—781,
Leonard Bowles,	Cherokee Freedmen D—787,
Malinda Murrell,	Cherokee Freedmen D—788,
Charles Claggett,	Cherokee Freedmen D—789,
Samuel Irven,	Cherokee Freedmen D—798,
Mary Ross,	Cherokee Freedmen D—799,
Maggie Nave,	Cherokee Freedmen D—808,
Neoma Nave,	Cherokee Freedmen D—816,
Ella Ross,	Cherokee Freedmen D—840,
Elizabeth Duncan,	Cherokee Freedmen D—871,
Sadie Adams,	Cherokee Freedmen D—880,
Georgeann Archer,	Cherokee Freedmen D—901,
John Claggett,	Cherokee Freedmen D—912,
Hattie Smith,	Cherokee Freedmen D—928,
Jack Jackson,	Cherokee Freedmen D—938,
Lula Sanders,	Cherokee Freedmen D—973,
George Hazelrig,	Cherokee Freedmen D—987,
Lizzie West,	Cherokee Freedmen D—990,
Maria French,	Cherokee Freedmen D—1010,
Mary Johnson,	Cherokee Freedmen D—1039,
Maggie Vann,	Cherokee Freedmen D—1062,
William Hudson,	Cherokee Freedmen D—1067,
Sarah Rogers,	Cherokee Freedmen D—1078,
Abraham Ballard,	Cherokee Freedmen D—1082,
Laura David,	Cherokee Freedmen D—1085,
John Deekman,	Cherokee Freedmen D—1105,
James B. Perry,	Cherokee Freedmen R— 39,
Isaac Welch,	Cherokee Freedmen R— 45,
Lawson Logan,	Cherokee Freedmen R— 48,
George Howell,	Cherokee Freedmen R— 56,
Henry Masir,	Cherokee Freedmen R— 72,
George Adams,	Cherokee Freedmen R— 82,
Annie Thomas,	Cherokee Freedmen R— 83,
Lewis McConnell,	Cherokee Freedmen R— 86,
Callie Vann,	Cherokee Freedmen R— 94,
Lon Peters,	Cherokee Freedmen R— 96,
Ida Adair,	Cherokee Freedmen R— 99,
Robert Brown,	Cherokee Freedmen R—100,
Allie Chambers,	Cherokee Freedmen R—102,
Isom Jones,	Cherokee Freedmen R—104,
Alice Gunter,	Cherokee Freedmen R—105,
Katie Adair,	Cherokee Freedmen R—106,
Carrie Martin,	Cherokee Freedmen R—107,

Benjamin Clark,	Cherokee Freedmen R—108,
Emily Looney,	Cherokee Freedmen R—110,
John Groves,	Cherokee Freedmen R—112,
Matilda McNair,	Cherokee Freedmen R—117,
Bettie Vann,	Cherokee Freedmen R—122,
Nelson Lett,	Cherokee Freedmen R—125,
Frankie Rogers,	Cherokee Freedmen R—129,
William Washington,	Cherokee Freedmen R—131,
Squire Warren Owens,	Cherokee Freedmen R—143,
Fannie Goldsby,	Cherokee Freedmen R—144,
Susan Daniels,	Cherokee Freedmen R—146,
Anderson Turk,	Cherokee Freedmen R—148,
David Lane,	Cherokee Freedmen R—155,
Felix McClain,	Cherokee Freedmen R—165,
Henderson Jones,	Cherokee Freedmen R—178,
Belle Vann,	Cherokee Freedmen R—181,
Levi Stroud,	Cherokee Freedmen R—196,
John Stumpter,	Cherokee Freedmen R—311,
Mariah Thompson,	Cherokee Freedmen R—320,
Ellen Sheppard,	Cherokee Freedmen R—337,
Lula Melton,	Cherokee Freedmen R—347.

C 3.3R 112

DECISION.

It appears from the record herein that applications for enrollment as Cherokee citizens by intermarriage, were made to this Commission by William Davis for himself; by Hannah Thoinas for her husband, Henry Thomas; by Jim Vann for his wife, Ella Vann; by Sig Markham for his wife, Mary Markham; by Nathan Melton for his wife, Frances Melton; by Mary Dotson for her husband, John Dotson; by George W. Vann for his wife, Mary Jane Vann; by Thomas Lowe for himself; by Thomas Mayfield for his wife, Ella Mayfield; by James Rider for his wife, Sallie Rider; by Reuben Campbell for himself; by Van Jackson Luther for himself; by Tobe Midleton for his wife, Cassie Midleton; by Thomas Harlin for his wife, Mary Harlin; by John Fields for his wife, Nellie Fields; by John Kimbo for himself; by William Madden for himself; by Tobias Bean for his wife, Jane Bean; by Etta Thomas for her husband, Albert T. Thomas; by James Campbell for his wife, Mary Campbell; by Frank Daniels for his wife, Caroline Daniels; by Jim Alberty for his daughter-in-law, Melvina Alberty; by Sarah Morris for her husband, Dave Morris; by Jane Claggett for her husband, Alexander Claggett; by Payton Martin for his wife, Amanda Martin; by Charles Marvin for his wife, Eliza Martin; by John E. Burnes for himself; by Joe Davis for his wife, Bell Davis; by Ellen Brown for her husband, Samuel Brown; by Mary Ann Watson for her husband, Howard F. Watson; by Jack McConnell for himself; by Maude Manley for herself; by George Reed, Sr., for himself; by Buck Ledman for himself; by Bell Thompson for herself; by Lewis Scott for himself; by Abe Scott for

himself; by Kendor Lampton for himself; by Thomas E. Allen for himself; by Lewis Vanderford for himself; by Elizabeth Bowlin for her husband, John L. Bowlin; by John D. Davis for his wife, Katie Davis; by Charles Williams for himself; by John J. Rose for himself; by David Martin for his wife, Jane Martin; by Fred Peterson for his wife, Lena Peterson; by Mariah Johnson for her husband, Alex Johnson; by Joseph Vann for his wife, Martha Vann; by John Scott for himself; by Steve Looney for Nancy Ross; by Charles C. Smith for himself; by James Colbert for his wife, Susie Colbert; by Rosanna Skaggs for her husband, William Skaggs; by Susie Johnson for herself; by Alfred P. Hopkins for himself; by Charles Vann for his wife, Kizzie Vann; by Jake Looney for his wife, Freddie Looney; by Lucy Chouteau for herself; by Alice Durant for herself; by Alonzo Ward for his wife, Mahaley Ward; by Fred D. Thomas for himself; by Benjamin Beck for his wife, Bettie Beck; by Ellis Warren for himself; by William Henry Robinson for his wife, Millie Robinson; by Josh Webber for his wife, Mary Webber; by Otto Martin for his wife, Frances Martin; by Ed Riley for his wife, Mary Riley; by Emanuel Taylor for himself; by Henry Sykes for himself; by Larkin P. Powell for himself; by Stepney Dawn for himself; by Ellis Vann for his wife, Malinda Vann; by David Johnson for his wife, Frances Johnson; by Phillip Foster for his wife, Annie Foster; by Houston Rogers, Jr., for his wife, Mary H. Rogers; by George Washington Lane for himself; by Silas Hammer Brown for his wife, Jane Brown; by Samuel L. Young for himself; by Lizzie Buckner for her husband, John Buckner; by Sarah Cox for her husband, Willis Cox; by Susan Bowles for her husband, Leonard Bowles; by Henry Murrell for his wife, Malinda Murrell; by Charles Claggett for himself; by Samuel Irven for himself; by David Ross for his wife, Mary Ross; by George F. Nave for his wife, Maggie Nave; by Lewis Armstead Nave for his wife, Neoma Nave; by Perry Ross for his wife, Ella Ross; by Elizabeth Duncan for herself; by Perry Adams for his wife, Sadie Adams; by Thomas Archer for his wife, Georgeann Archer; by Nancy Claggett for her husband, John Claggett; by Sonny Smith for his wife, Hattie Smith; by Jack Jackson for himself; by John Sanders for his wife, Lula Sanders; by Mary Haselrig for her husband, George Haselrig; by George West for his wife, Lizzie West; by Maria French for herself; by Mary Johnson for herself; by Maggie Vann for herself; by William Hudson for himself; by Sarah Rogers for herself; by Abraham Ballard for himself; by King David for his wife, Laura David; by John Deckman for himself; by James B. Perry for himself; by Lasso Welch for himself; by Nancy Logan for her husband, Lawson Logan; by Maria Howell for her husband, George Howell; by Amanda Masir for her husband, Henry Masir; by Katie Adams for her husband, George Adams; by Willie Thomas for his wife, Annie Thomas; by Lewis McConnell for himself; by Josh Vann for his wife, Callie Vann; by Lou Peters for herself; by Robert Adair for his wife, Lil Adair; by Josie Brown for her husband, Robert Brown; by Mat Chambers for his wife, Allie Chambers; by Rachel Jones for her husband, Isom Jones; by Lewis Gunter for his wife, Alice Gunter; by Amos Adair for his wife, Katie Adair; by William H. Martin for his wife, Carrie Martin; by Benjamin Clark for himself; by Emily Looney for herself; by Mary Groves for her husband, John Groves; by Butler McNair for his wife, Matilda McNair; by Bettie Vann for herself; by Nelson Lett for himself; by Allen Rogers for his wife, Fannie Rogers; by William Washington for himself; by Squire Warren Owens for himself; by Fannie Goldsby for herself; by Charles Daniels for his wife, Susan Daniels; by Rachel Turk for her husband, Anderson Turk; by David Lane for himself; by Felix McClain for himself; by Henderson Jones for himself; by Isaac Vann for his wife, Belle Vann; by Maggie Stroud for her husband, Levi Stroud; by John Sumpter for himself; by Mariah Thompson for herself; by Ellen Sheppard for herself; and by Lula Melton for herself, claiming their right thereto by virtue of their marriage to Freedmen Cherokee citizens.

The record further shows that none of the applicants herein make any claim to enrollment as citizens of the Cherokee Nation other than as set forth above.

It further appears from the record herein that at the time applications were made for the enrollment of the above named applicants, application was also made for the enrollment of other applicants as Cherokee Freedmen, but said applications being differently classified are not included in this decision.

It does not appear that any of the applicants herein are identified upon the 1880 Authenticated Cherokee Roll, nor does it appear that any of said applicants has ever been admitted to Cherokee citizenship by a duly constituted court or committee of the Cherokee Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321).

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Lemuel Welcome, (I. T. D. 5848-1904, 11,776-1904), the applications made for the enrollment of William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Midleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skagga, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dawd, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Melinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deekman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington,

Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by intermarriage, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[SIGNED] TAMS BIXBY,
Chairman.

[SIGNED] T. B. NEEDLES,
Commissioner.

[SIGNED] C. R. BRECKINRIDGE,
Commissioner.

MUSKOGEE, INDIAN TERRITORY, JANUARY 19, 1905.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date June 6, 1904

Post Office Tahlequah I.T.

District Cooweescoowee

1. Name John Groves Age 43

Owner's name Citizenship

Year ——— Page ——— No. ——— District ———

Parents:

Father Citizenship

Mother Citizenship

2. Name of wife

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

3. Year Page No. Dist.

4. Year Page No. Dist.

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by Mary Groves (wife) Stenographer W. A. Jones

Rejected

Rejected

XRef.

COPY.

Cherokee Freedmen

R-112.

Muskogee, Indian Territory, January 24, 1905.

John Groves,

Talala, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIG.) Tams Bixby.

Chairman.

Incl. S-92.

Register.

COPY.

Cherokee Freedmen
D-14 et al.

Muskogee, Indian Territory, January 24, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Merlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Chaggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard T. Watson, Jack McConnell, Mamie Manley, George Reed, Sr., Buck Redman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John T. Bowlin, Katie Davis, Charles Williams, John J. Ross, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Gilbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Minnie Vann, Freddie Lowry, Lucy

Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Buck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stephney Dunn, Malinda Vann, Frances Johnson, Annie Foster, Mary E. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Wade, Neoma Wave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hamilrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John [illegible], James E. Perry, Isaac Welch, Lawson Logan, George Fowell, Henry Blair, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lee Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lott, Fannie Rogers, William Washington, Squire Warren Owens, Minnie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Strum, John Hampton, Mariah Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by intermarriage.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the

Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED: James Dixby.
Chairman.

Incl. K-9.

COPY.

Cherokee Freedmen
D-14 et al.

Muskogee, Indian Territory, January 24, 1906.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted record of proceedings had in the matter of the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Midleton, Mary Harlin, Mallie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John F. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Dock Lampton, Dell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas H. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Ross, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Gilbert, William Skaggs, Susie Johnson, Alfred F. Hopkins, Elsadie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Tobler,

Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Lavina P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary E. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Emma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Haselrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Beckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Nasir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Ewen Jones, Alice Gardner, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Emma Daniels, Andersen Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by intermarriage, including the Commission's decision dated January 19, 1905, rejecting said applications.

Respectfully,

(SIGNED): Tams Bixby
Commissioner.

Encl. K-8.
Through the
Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, March 20, 1905.

Refer in reply
to the following:
Lemd.
7908-1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 24, 1905, transmitting the record of the application for enrollment as Cherokee citizens by intermarriage to Cherokee freedmen by William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Elder, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Marlin, Nellie Fields, John Kimbo, William S. Madden, Jane Beam, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Lehman, Nell Thompson, Louis Scott, Abe Scott, Kinder Lampton, Thomas H. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Rogers, Susie Johnson, Alfred P. Hopkins, Minnie Vann, Freddie Looney, Lucy Chesteen, Alice Durant, Mahaley Ward, Fred B. Thomas, Nettie Beck,

Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Haselrig, Lizzie West, Mariah French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Mazir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard, and Lula Welton.

January 19, 1906, the Commission decided adversely to all the applicants.

The record shows that none of the applicants makes claim to enrollment as citizens of the Cherokee Nation, except by intermarriage with a Cherokee Freedman; that none has ever been enrolled or admitted to citizenship by any tribal authority of the Cherokee Nation or by any United States tribunal and that none

is identified on the 1880 authenticated Cherokee roll.

In view of the record and of the ruling of the Department of November 12, 1904 (I. T. D. 8548-1904) in the Lemuel Walcome case, the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

M.M.M.
W.

(C O P Y)

D. C. 20877-1905
I. T. D. 2904-1904

W.C.P.
FHH

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

April 17, 1905

L.R.C.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

~~January 24, 1905, you transmitted the record in the~~ matter of the applications for the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation, including your decision of January 19, 1905, rejecting said applications, viz.

William Davis, Henry Thomas, Eliza Vann, Mary Markham, Frances Melton, John Dawson, Mary Jane Vann, Thomas Lowe, Elsie Mayfield, Sallie Rider, Reuben Campbell , Van Jackson Luther, Cassie Middleton, Mary Martin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett , Amanda Martin, Eliza Martin, John E. Barnes Bell Davis, Samuel Brown, Howard P. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Lehman, Bell Thompson , Lewis Scott, Abe Scott, Xander Lampton, Thomas A. Allen, Lewis Vanderford, John ... Bowlin, Katie Davis, Charles Williams, John J. Bean, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann.

John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, [illegible], Lucy Chouteau, Alice Durant, [illegible] Ward, Fred D. Thomas, [illegible], [illegible], Willie Robinson, [illegible], Frances Martin, Mary Miles, Emanuel Taylor, Henry Sykes, Lardin P. Powell, Stephney Dawn, Malinda Vann, Frances Johnson, Annie Foreter, Mary [illegible] Rogers, George Washington Lane, Lyne Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard [illegible], Melinda Worrell, Charles Taggett, Samuel Irven, Mary [illegible], Maggie Nave, Susan Nave, [illegible] Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie [illegible], William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Beckman, James W. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Mayer, George Adams, Annie Thomas, Lewis McConnell, Allie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Aline Gunter, Hattie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Greven, Matilda McNair, Hattie Vann, Nelson Lott, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Nelle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton.

Reporting in the matter March 21, 1906, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) THOS. RYAN
Acting Secretary

1 inclosure

COPY.

Cherokee Freedmen

R-112.

Muskogee, Indian Territory, April 22, 1905.

John Groves,

Talala, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting, among others, your application for enrollment as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

COPY

Cherokee Freedmen

-14 , et al

Muskogee, Indian Territory, April 24, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED). Tams Bixby.

Chairman.

COPY.

Cherokee Freedmen
D-14, et al.

Muskogee, Indian Territory, April 28, 1905.

Commissioner in Charge,
Cherokee Land Office,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

ENROLLMENT REFUSED

CHEROKEE FREEDMAN. 112

Decision

IN THE MATTER OF THE APPLICATION OF

John Glover

FOR ENROLLMENT AS

CHEROKEE FREEDMEN

N. D. ~~Testimony~~ June 6/

& Mem & application " "

Copy of testimony filed with Cherokee Nation.

See Cherokee Freedmen Docket No 958.

Cher. Fr. R-113

Cher. Fr. R. 113

[illegible]

[illegible] Walter Vann.
[illegible] 22 years old.
Married [illegible] A Yes sir.
[illegible] A Yes sir.
Is [illegible] A Yes sir.
Is [illegible] A Yes sir.
[illegible] A Yes sir, a child.
[illegible] A Waneta Vann.
[illegible] old is [illegible] A 3 years old.
[illegible] A Yes sir.
[illegible] A Elnora Vann.
Is she living? A Yes sir.
Was she ever enrolled? A No sir, she died before enrolled.
You apply then for your wife do you? A Yes sir, she couldn't come.
[illegible] on the roll as a citizen? A Yes sir.
[illegible] got the testimony [illegible] in regard to [illegible] mother.
[illegible] about her? A Xxxxxx Wayne Vann, more thanher father and mother.
Q What was your wife's father's name? A Jesse Ridge.
What was your wife's mother's name? A Amy Lynch.
She is a state citizen? A I don't know.
You don't know anything about her father or mother, either, do you? A Her father is dead; I don't know anything about their rights, only she was drawed the money and is on the rolls; Kate Ridge is her sister and mother.
Q What is your father's name? A Jess Vann.
Q You a brother to Ellen Vann? A Yes sir.
Your mother's name was Anna Partlet? A Yes sir.
Q She is your mother? A Yes sir.

Dawes-Clifton pay roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:
page 121 #3845 Walter Vann, Siloam District;

Wallace roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:
page 1-4 #3015 Walter Vann, Siloam District.

Q What was your wife's name when you married her? A Elnora Ridge.
How long have you been married to Elnora? A Three years.
Married in the Cherokee Nation? A Yes sir.
You always lived in the Cherokee Nation all your life? A Yes sir.
Born in the Cherokee Nation? A Yes sir.
How about your wife? A She was born here.

Dawes-Clifton pay roll of citizens of the Cherokee Nation examined and applicant identified his wife, as follows:
page 136 #3864 Elnora Ridge, Cooweescoowee District;
1880 authenticated roll of citizens of the Cherokee Nation examined for applicants and their names not found;
Wallace roll of citizens of the Cherokee Nation examined and applicants identified as follows;
page 164 #86 Eleanor Ridge, Cooweescoowee District

Q Is your wife's mother living? A Yes sir.

Q She been enrolled here? A Yes sir, I think she is; I guess she was enrolled with her husband, Charley Lynch.
Q When did Jesse Ridge die? A 16 or 17 years ago.
Q He was father of your wife? A Yes sir.
Q Was he a citizen? A Yes sir.
Q Was his name on the roll of 1880? A No sir, I don't think it is.
Q You want to apply for your wife now? A No sir, I just put her down with me, I didn't know what I could do for her; they said I could enroll her with me.
Q Has your wife got any relations or friends that knows about her? A Cornelius Ridge, I guess, he knows.
Q Have you any proof of marriage between you and your wife? A Yes sir.
Q Have you got a license? A I had a license, but my house was burned up, and my license with it.
Q You have got a license? A Yes sir.
Q Where from? A Vinita.

(Com'r Needles calls up a woman from the crowd, and without swearing her, asks her about this applicant's wife's parents, whether they were married, and she says they were not married.-- Stenog.)

Com'r Needles: Walter Vann applies for the enrollment of himself his wife Elnora, and his child, Waneta; he avers that he is a child of Jesse Vann and Rena Purtle, and that he is a brother of Allen Bean, - his name is not found upon the authenticated roll of 1880 or the census roll of 1896; he is identified upon the Kerns-Clifton and the Wallace roll; he avers that he married to one Elnora Ridge; the proof shows that Elnora Vann was a child of Jesse Ridge, and Ary Lynch; that Ary Lynch, the mother of said Elnora Vann, was a non-citizen, and no proof of marriage can be produced as to the marriage of said Ary Lynch to Jesse Ridge; but the fact is they were never married; as to the citizenship of said Walter Vann, reference is made to the testimony taken in the case of Rena Purtle, who was listed for enrollment on D card 265, and the testimony in said case will be made a part of the testimony in the case at bar, and a copy thereof will be filed with the testimony now being taken; he makes satisfactory proof as to his residence; said Elnora Vann is identified upon the Kerns-Clifton and the Wallace roll; consequently Walter Vann and his child, Waneta will be listed for enrollment as Cherokee freedmen upon what is known as a doubtful card, awaiting the further consideration of the commission; the application for the enrollment of his wife, Elnora, will be refused, and she will be rejected; to complete the enrollment of said child, Waneta, it will be necessary for him to file a certified copy of his marriage license, and proof of birth of the child, Waneta; he will be duly notified by mail of the action of the Commission in the case.

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M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M. D. Green

Subscribed and sworn to before me this June 11, 1906.

Notary Public

(COPY)

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment as Cherokee Freedmen of Katie Ridge, et al., consolidating the applications of:

Katie Ridge,	Cherokee Freedmen	D	295
Cornelius Ridge et al.	Cherokee Freedmen	D	586
Phoebe Johnson, et al.	Cherokee Freedmen	D	589
Henry C. Ridge,	Cherokee Freedmen	D	638
Ida Jones et al.	Cherokee Freedmen	D	647
Ary Lynch,	Cherokee Freedmen	R	70
Elnora Vann,	Cherokee Freedmen	R	113
Maud Riley et al.	Cherokee Freedmen	D	591
Rosa Vann et al.	Cherokee Freedmen	D	594
William Townsend,	Cherokee Freedmen	D	636
Dennis Hicks Sr., et al.	Cherokee Freedmen	D	385
Elima Hawkins et al.,	Cherokee Freedmen	D	386
Joseph Hicks et al.	Cherokee Freedmen	D	360
Katie Hicks,	Cherokee Freedmen	D	361
James A. Hicks,	Cherokee Freedmen	D	362
Joshua Holt, et al.	Cherokee Freedmen	D	644
Mary Johnson,	Cherokee Freedmen	D	364
Ruth Vann et al.	Cherokee Freedmen	D	646
Frank Johnson et al.	Cherokee Freedmen	D	675
Frances Johnson et al.	Cherokee Freedmen	D	676.

D E C I S I O N.

THE RECORDS OF THIS OFFICE SHOW: That applications for enrollment as Cherokee freedmen were made to the Commission to the Five Civilized Tribes by Katie Ridge for herself; by Cornelius Ridge for himself, and children, Pearl, Jessie and Myrtle Ridge, and his wife, Laura Ridge as a citizen by intermarriage; by Phoebe Johnson for herself and minor children, Joseph, Percy;

...ert, Serena and Pearl Hilton; by Henry C. Ridge for himself; by Ida Jones for herself and minor children, Lee, Eddie and Stella Martin. Thereafter, on June 27, 1902, there was filed with the Commission an affidavit showing the birth, on June 3, 1901, of Cornelius Jones, child of the applicant, Ida Jones; by Charles J. Lynch for, among others, his wife, Ary Lynch, as a citizen by intermarriage. The others included in said application have been heretofore disposed of, and their rights to enrollment will not be considered in this decision; by Walter Vann for, among others, his wife, Elnora Vann; the others included in said application have been otherwise disposed of and their rights to enrollment will not be considered in this decision; by Maud Riley for herself and minor child, Jesse Barnett. Thereafter, on April ..., 1903, there was filed with the Commission an affidavit showing the birth, on October 2..., 1901, of John C. Riley, child of the applicant, Maud Riley; by Rosa Vann for herself and minor child Josephine Vann; by William Townsen for himself; by Dennis Ricks Jr., for himself, by intermarriage, and his wife, Nettie Ricks and minor children, Leroy, Dennis Jr., Delana, Mabel and ... Ricks; by Eliza Hawkins for herself and minor child, Tyndle ... Hawkins; by Joseph Ricks for himself and wife, Susie Ricks (by intermarriage), and minor child, Otto A. Ricks, by Katie Ricks for herself; by James A. Ricks for himself; by Joshua ... Holt for himself and wife, Jane Holt, and minor step-children, Laura and Ella Vann, and minor children, Jessie, Willard, Clifford and Marcelia (Marcella) Holt; by Mary Johnson for herself; by Ruth Chinnett for herself and minor children, Martha, and Lillie Chinnett, subsequent to filing her application herein and prior to September 1, 1902, the applicant Ruth Chinnett was married to one George Vann, and she will now be listed for enrollment as Ruth Vann; by Frank Johnson for himself. Thereafter, on July 1, 1902, there was filed with the Commission an affidavit showing the birth, on February 7, 1902, of Luella Johnson, child of the applicant Frank Johnson; and by Frances Johnson for herself and minor children, Nettie, Katie, Clarence and Wilda Johnson.

The records of this office further show that on October 13, 1904, the Commissioner to the Five Civilized Tribes rendered his decision herein, denying, among others, all of said applicants the right to enrollment as Cherokee freedmen and citizens by intermarriage of the Cherokee Nation, which decision was duly forwarded to the Department, and that, thereafter, on July 2, 1905 (I.T.D. 17[illegible]-1905), motions having been filed with the Department for a rehearing of this case, the same was remanded to the Commissioner for rehearing and readjudication, the Department stating that it "considers that this consolidated case should be divided, and that if possible the division should divide this large family into groups according to the three places from which it is alleged they returned to the Indian Territory, under Article 9 of the treaty of 1866."

In accordance with this direction the Commissioner consolidated the following cases, and further proceedings were had therein at Muskogee, Indian Territory, December 14, 1905; Katie Ridge, D 295; Cornelius Ridge et al. D 586; Phoebe Johnson et al. D 589; Henry C. Ridge D 63...; Ida Jones et al. D 647; Ary Lynch R 70; Elnora Vann R 113; Maud Riley et al. D 591; Rosa Vann et al. D 594; William Townsend D 636; Leroy Ricks et al. D 356; Eliza Hawkins et al. D 35...; Joseph Ricks et al. D 360; Katie Ricks D 361; and James A. Ricks D 362.

Although the principal applicants included herein other than the applicants in the above mentioned consolidated case, and their attorneys, have several times been notified by letter and in person, of the Department's action in remanding their cases for rehearing, and to submit such evidence as they desired to present in their behalf, they have failed to do so. Their rights to enrollment as Cherokee freedmen will therefore be adjudicated in this decision.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant, Katie Ridge, is the mother of the applicants Cornelius Ridge and Phoebe Johnson, and of one Jesse Ridge and one Mary Ridge, both deceased; that the said applicants and the said Jesse and Mary Ridge deceased, were the slaves of Cherokee citizens at the commencement of the war of the rebellion; were taken from the Cherokee Nation during said rebellion and did not return thereto and establish an actual, personal, bona fide residence therein as provided by Section three of the Act of Congress approved April 26, 1906 (34 Stat. 137); that the applicants Laura Ridge and Ary Lynch and Susie Hicks, neither claim nor possess any rights to enrollment as Cherokee freedmen other than by reason of their marriage to the applicant Cornelius Ridge and the said Jesse Ridge deceased, and the applicant Joseph Hicks; that the applicants Pearl, Jesse and Myrtle Ridge and Joseph, Percy Herbert, Serena, and Pearl Milton, Henry C. Ridge, Ida and Cornelius Jones, Elnora Vann, Maud Riley, Rosa Vann, Josephine Vann (In C. F. D. 550 the Commission found that one Ed Vann, father of the said applicant Josephine Vann, possesses no right to enrollment as a Cherokee freedman, and on May 7, 1904-I.T.D. 3470-1904- said finding was approved by the Department), William Townsend, Leroy, Dennis Jr., Delana, Mabel and Elmer Hicks, (Their father, Dennis Hicks, case D 550 infra.) Eliza and Tyndle M. Hawkins Joseph, Otto A., Katie and James A. Hicks, were born since 1864 and possess no right to enrollment as Cherokee freedmen except as descendants of the said Katie Ridge, Cornelius Ridge and Phoebe Johnson, and of Jesse Hicks and Mary Ridge (Hicks) deceased.

After ample opportunity afforded the applicants, Lee Eddie and Stella Martin and Jesse Barnett, it is not shown by satisfactory evidence that they possess any right to enrollment other than as descendants of their mothers, the said Ida Jones and Maud. The minor applicant John C. Riley is a child of William Riley, whose application for enrollment as a Cherokee freedman was rejected by the Commissioner on February 27, 1907, and the applicant herein, Maud Riley, and possesses no right to enrollment as a Cherokee freedman other than as a descendant of his said parents.

THE EVIDENCE IN THIS CASE FURTHER SHOWS: That the applicant, Dennis Hicks Sr., neither claims nor possesses any right to enrollment as a citizen of the Cherokee Nation other than by virtue of his marriage to the applicant, Bettie Hicks; that the applicants Bettie Hicks, Joshua Holt and Anderson Johnson, deceased, were the slaves of Cherokee citizens at the commencement of the war of the rebellion; were taken from the Cherokee Nation during said rebellion, and did not return thereto and establish a residence therein within the time provided by Section three of the Act of Congress approved April 26, 1906; that the applicants Jane Holt, Laura and Ella Beeson, Jessie, Willard, Clifford, and Maucelia (Marcelia) Holt, Mary Johnson, Ruth Vann, Martha and Lillie Chinnett, Frank Johnson (In C.F.D. 853 the Commission to the Five Civilized Tribes found, on April 22, 1905, that Rebecca Webber, mother of Frank Johnson, possesses no right to enrollment as a Cherokee freedman and its finding was approved by the Department June 28, 1906-I.T.D. 7712-6846-1906), and Frances

Pat ie, Katie, Clarence and Wilda Johnson, were born since the war of the rebellion; are descendants of the applicants Dennis Hicks Sr., Pettie Hicks and Joshua Holt, and of Anderson Johnson deceased, and possess no right to enrollment as Cherokee freedmen other than as such descendants. The applicant Luella Johnson, is a child of the said Frank Johnson and Charlotte Johnson, whose application for enrollment as a Cherokee freedman was denied by the Commission to the Five Civilized Tribes on July 21, 1904 and its action affirmed by the Department September 22, 1904(I.T.D. 7192-7193-1904). To one of the applicants herein nor any ancestor through whom they claim the right to enrollment as Cherokee freedmen, can be identified on the Cherokee authenticated tribal roll of 1880.

IT IS THEREFORE ORDERED AND ADJUDGED: That following the ruling of the Department in the case of Lemuel Welcome (I.T.D. 1040-11776-1904), under the provisions of the Act of Congress approved June 28, 1898 (30 Stat., 495), Laura Ridge, Mary Lynch, Dennis Hicks Sr., and Susie Hicks, are not entitled to enrollment as citizens by intermarriage of the Cherokee Nation, and their applications for enrollment as such are accordingly denied; and that, under the provisions of Section Twenty-one of the Act last above noted, Katie Ridge, Cornelius Ridge, Pearl Ridge, Jesse Ridge, Myrtle Ridge, Phoebe Johnson, Joseph Milton, Percy Milton, Herbert Milton, Serena Milton, Pearl Milton, Henry C. Ridge, Ida Jones, Lee Martin, Eddie Martin, Stella Martin, Cornelius Jones, Elnora Vann, Maud Riley, Jesse Barnett, John C. Riley, Rosa Vann, Josephine Vann, William Townsend, Nettie Hicks, Leroy Hicks, Dennis Hicks Jr. Delana Hicks, Mabel Hicks, Elmer Hicks, Eliza Hawkins, Tyndle A. Hawkins, Joseph Hicks, Otto A. Hicks, Katie Hicks, James A. Hicks, Joshua Holt, Jane Holt, Laura Pesson, Mila Pesson, Jessie Holt, Willard Holt, Clifford Holt, Caucelia (Carcelia Holt, Mary Johnson, Ruth Vann, Martha Chinnett, Lillie Chinnett, Frank Johnson, Luella Johnson, Frances Johnson, Nettie Johnson, Katie Johnson, Clarence Johnson and Wilda Johnson, are not entitled to enrollment as Cherokee freedmen, and their applications for enrollment as such are accordingly denied.

(Signed) Tams Bixby
Commissioner.

Dated at Muskogee, Indian Territory,

this Feb 2d 1907

A. P. Mc.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Katie Ridge, et al., as Cherokee Freedmen, consolidating the applications of:

Katie Ridge,	Cherokee Freedmen	D	295
Cornelius Ridge, et al.,	"	"	D 586
Phoebe Johnson, et al.,	"	"	D 589
Henry C. Ridge,	"	"	D 636
Ida Jones, et al.,	"	"	D 647
Ary Lynch,	"	"	R 70
Elnora Vann,	"	"	R 113
Maud Riley, et al.,	"	"	D 591
Rosa Vann, et al.,	"	"	D 594
William Townsend,	"	"	D 636
Mollie Townsend, et al.,	"	"	D 651.
Dennis Hicks, Jr., et al.,	"	"	D 355
Joshua Holt, et al.,	"	"	D 344
Sallie Miller,	"	"	D 648
Mary Johnson,	"	"	D 864
Ruth Vann, et al.,	"	"	D 866
Frank Johnson, et al.,	"	"	D 875
Eliza Hawkins, et al.,	"	"	D 358
Joseph Hicks, et al.,	"	"	D 360
Katie Hicks,	"	"	D 361
James A. Hicks,	"	"	D 362
Frances Johnson, et al.,	"	"	D 676
Anna Butler, et al.,	"	"	D 979
Howard Bushyhead,	"	"	D 980
Katie Davis,	"	"	D 953
Moses Riley, et al.,	"	"	D 258
Andrew Riley, et al.,	"	"	D 260
Jesse Riley, et al.,	"	"	D 261
Frank Riley, et al.,	"	"	D 262
Jerry Riley, et al.,	"	"	D 263
Fannie Scott, et al.,	"	"	D 265
Delilah Johnson, et al.,	"	"	D 267
Lottie Johnson, et al.,	"	"	D 268
Jane Riley,	"	"	D 600
Daniel Thompson,	"	"	D 606
Elick Ward, et al.,	"	"	D 623
Sandy Thompson,	"	"	D 693

Ruth Riley, et al.,	Cherokee	Freedmen	D 579
Hannah Riley,	"	"	D 569
Charles Landrum,	"	"	D 601
Nettie McIntosh,	"	"	D 903
William Riley,	"	"	D 603
Carrie Gibson,	"	"	D 704
Cora F. Wagoner, et al.,	"	"	D 570
Arthur Riley,	"	"	D 571
Elizabeth Melton, et al.,	"	"	D 441
Julius Curls,	"	"	D 269
Riley Curls, et al.,	"	"	D 270
Ophelia Thompson, et al.,	"	"	D 271.

D E C I S I O N.

THE RECORDS OF THIS OFFICE SHOW: That applications for enrollment as Cherokee Freedmen were made to the Commission to the Five Civilized Tribes by Katie Ridge for herself; by Cornelius Ridge for himself and wife, Laura Ridge (by intermarriage), and minor children, Pearl, Jesse and Myrtle Ridge; by Phoebe (Milton) Johnson for herself and minor children, Joseph, Percy, Herbert, Serena and Pearl Milton; by Henry C. Ridge for himself; by Ida Jones for herself and minor children, Lee, Eddie and Stella Martin; thereafter, on June 27, 1902, there was filed with the Commission an affidavit showing the birth, on June 3, 1902, of Cornelias Jones, child of the applicant, Ida Jones; by Charles T. Lynch for, among others, his wife, Amy Lynch (by intermarriage), the others included in said application have been otherwise disposed of and their rights to enrollment will not be considered in this decision; by Walter Vann for, among others, his wife, Elnora Vann; the others included in said application have been otherwise disposed of and their rights to enrollment will not be considered in this decision; by Maud Riley for herself and minor child, Jesse Barnett; thereafter, on April 9, 1902, there was filed with the Commission an affidavit showing the birth, on October 26, 1901, of John C. Riley, child of the applicant, Maud Riley; by Rosa Vann for herself and minor child, Josephine Vann; by William Townsend for himself; by Mollie Townsend for herself and minor children, Rosa, George, Arthur, and Ethel Townsend; by Dennis Hicks, Sr., for himself (by intermarriage), and wife, Nettie Hicks and minor children, Leroy, Dennis Jr., Delana, Mabel and Elmer Hicks; by Joshua Holt for himself and wife, Jane Holt, and minor stepchildren, Laura and Ella Pearson, and minor children, Jessie Willard, Clifford and Marcelia (Marcelia) Holt; by Sallie Miller for herself; by Mary Johnson for herself; by Ruth Chinnett for

herself and minor children, Martha and Lillie Chinnett; subsequent to filing her application herein and prior to September 1, 1902, the applicant, Ruth Chinnett, was married to one George Vann, and she will now be listed for enrollment as Ruth Vann; by Frank Johnson for himself; thereafter, on July 1, 1902, there was filed with the Commission an affidavit showing the birth, on February 7, 1902, of Luella Johnson, child of the applicant, Frank Johnson; by Eliza Hawkins for herself and minor child, Tyndle E. Hawkins; by Joseph Hicks for himself and wife, Susie Hicks (by intermarriage), and minor child, Otto A. Hicks; by Katie Hicks for herself; by James A. Hicks for himself; by Frances Johnson for herself and minor children, Nettie, Katie, Clarence and Wilda Johnson; by Anna Butler for herself and minor child, Esther Owen; by Anna Butler for her adult brother, Howard Bushyhead; by Katie Davis for herself; by Moses Riley for himself and minor child, Lillie Riley; by Andrew Riley for himself and minor child, Nathaniel Riley; by Jesse Riley for himself and minor children, Joseph, Ollie, Viola, Mabel, Elnora, Ideller and Luther D. Riley; by Frank Riley for himself and minor children, Lottie, Fannie, James, Ralph, Arizona and Inola Riley; thereafter, on June 12, 1902, there was filed with the Commission an affidavit showing the birth, on November 30, 1901, of Earl E. Riley, child of the applicant, Frank Riley, and on June 28, 1902, there was filed with the Commission an affidavit showing the birth, on December 31, 1901, of Clarence Riley, an illegitimate child of the applicant, Lottie Riley; by Jerry Riley for himself and minor children, Samuel, James E., Amanda, Mariah, Maggie, Calvin, Bertha, Ada and Leona Riley; by Fannie Scott for herself and minor children, Charles Wesley Miller, and Bessie and Jimmie Scott; by Delilah Johnson for herself and minor children, Allie, Luman, Jesse, Alfred, Nola, Della, Ella and Harrison Johnson; by Lottie Johnson for herself and minor children, Rebecca, Luford, Wilbert and Arch Johnson; by Jane Riley for herself; by Daniel Thompson for himself; by Elick Ward for himself and wife, Amanda Ward, and minor children, Henrietta, Irvin, Harry, Roy, Dan, Effie, Troy, Jesse and Maine Ward; by Sandy Thompson for himself; by Ruth Riley for herself; thereafter, on July 1, 1902, there was filed with the Commission an affidavit showing the birth, on January 22, 1902, of Lenora Odine Riley, child of the applicant, Ruth Riley; by Hannah Riley for herself; by Charles Landrum for himself; by Bettie McIntosh for herself; by William Riley for himself; by Carrie Gibson for herself; by Cora J. Wagoner for herself; thereafter, on October 3, 1901, there was filed with the Commission an affidavit showing the birth, on August 24, 1901, of Oval Wagoner, child of the applicant, Cora J. Wagoner; by Arthur Riley for himself; by Elizabeth Melton for herself and minor child, Elnora Melton; by Julius Curls for himself; by Riley Curls for himself and minor children, Willis, Edward, James, George, Stephenia and Clarence Curls; thereafter, on July 1, 1902, there was filed with the Commission an

affidavit showing the birth, on February 13, 1902, of Beattrice Curls, child of the applicant, Riley Curls; and by Ophelia Thompson for herself and their children, Alpha, Libbie, Hirschel, Harvey [illegible] Thompson.

Copies of the following testimony, decisions, and Departmental letters are filed herewith and made a part of the record herein: Testimony taken at Muskogee, Indian Territory, on July 10, 1903, and June 23, 1904, and of Departmental letters of May 11, and November 12, 1904 (I.T.D. 2412, 8504-04), in the cases of Jesse Vann et al., C.F.D. 254 (R 302), and Emma Purdie C.F.D. 265; its decisions rendered by the Commission on March 5, and April 20, 1904, and of Departmental letters of June 2, 23, and 25, 1904 (I.T.D. 4386, 5028-5034-04), in the cases of Esther Holt, C.F.D. 545 (R 443), Tecumseh Holt, C.F.D. 553 (R 399), William Holt, C.F.D. 694 (R 398), and Moses Holt, C. F. R. 165; its decision rendered by the Commission on March 5, 1904, and Departmental letter of June 21, 1904 (I.T.D. 4736-04); in the consolidated case of Katie Thornton et al., C.F.D. 576 et al., (R. 410-R 411-R 412-R 413-R 414); of the testimony taken at Chelsea, Indian Territory, June 8, 1901, its decision rendered by the Commission on April 20, 1904, and of Departmental letter of October 31, 1904, (I.T.D. 8138-04), in the consolidated case of Katie Blackwell, et al., including, among others, the application of Mary Riley, C.F.D. 624; of its decision rendered by the Commission on November 23, 1904, in the consolidated case of Andrew T. Watie, C.F.D. 502, et al., and of the testimony taken at different times and places in the cases of Edward Derrick, C.F.D. 818, Aaron Webber C.F.D. 216, Elizabeth Meigs, et al., C.F.D. 391, Samuel Beck, et al., C.F.D. 775, David Johnson, C. F. D. 356, Abraham Ward, C.F.D. 607 (R 283), and of Peter Ward, C.F.D. 613, R 282).

THE EVIDENCE IN THIS CASE SHOWS: That the applicant, Katie Ridge, is the mother of the applicants, Cornelius Ridge and Phoebe Johnson, and of one Jesse Ridge, and one Mary Ridge (later Hicks, former wife of Dennis Hicks Sr., D 355, infra.), both deceased; that the said applicants and the said Jesse and Mary Ridge, deceased, were the slaves of Cherokee citizens at the commencement of the rebellion, were taken from the Cherokee Nation during said rebellion, and did not return thereto and establish residence therein within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation et al., for the return of Cherokee freedmen to said Nation; that the applicants, Laura Ridge and Ary Lynch, neither claim nor possess any rights to enrollment as Cherokee freedmen other than those obtained by virtue of their marriage to the applicant Cornelius Ridge and to the said Jesse Ridge, deceased; that the applicants, Pearl, Jesse, Myrtle and Henry C. Ridge, and Ida Jones, are children of the said

applicants, Cornelius and Laura Ridge, were born since 1866, and possess no rights to enrollment other than as descendants of their said parents; that the applicants, Joseph, Percy, Herbert, Verena and Pearl Hilton, Maud Riley, Rosa Vann, and William Townsend, are children of the applicant Phoebe Johnson, were born since 1866, and possess no rights to enrollment other than as descendants of their said mother; that the applicants, Lee, Eddie, and Stella Martin and Cornelius Jones, are children of the applicant Ida Jones, were born since 1866, and, after ample opportunity afforded, it is not established by satisfactory evidence that the said applicants Lee, Eddie and Stella Martin, possess any rights to enrollment other than as descendants of their said mother, and the applicant Cornelius Jones, possesses no rights to enrollment otherthan as his mother's descendants; that the applicant Minora Vann, is a child of the applicant Ary Lynch, and the said Jesse Ridge, deceased, was born since 1866, and possesses no rights to enrollment other than as a descendant of her said parents; that the applicant Jesse Parnett, is a child of the applicant Maud Riley, was born since 1866, and, after ample opportunity afforded, it is not established by satisfactory evidence that the said Jesse Parnett possesses any rights to enrollment other than as a descendant of his said mother, and that the applicant John C. Riley, is a child of the said applicant Maud Riley, and one William Riley, (said William Riley's rights to enrollment are considered below, C. N. D. 665), was born since 1866, and possesses no rights to enrollment other than as a descendant of his said parents; that the applicant Josephine Vann, is a child of the said applicant Rosa Vann, was born since 1866, and possesses no rights to enrollment other than as a descendant of her said mother (In C.F.D. 660, the Commission found that one Ed Vann, father of the said applicant Josephine Vann, possesses no rights to enrollment as a Cherokee freedman, and on May 17, 1904, Departmental letter I.T.D. 3470-04, said finding was approved by the Department); that the applicant Mollie Townsend, is a daughter of one Jesse Vann, and one Rosa Purtle, was born since 1866, and possesses no rights to enrollment other than as a descendant of her said parents; (In C.F.D. 264 and 265 the Commission found that the said Jesse Vann and Rosa Purtle possess no rights to enrollment as Cherokee freedmen, and on May 11, and November 12, 1904, Departmental letters I.T.D. 8210-8594-04, said findings were approved by the Department); and that the applicants, Rosa, George and Arthur Townsend, are children of the said applicants William and Mollie Townsend, were born since 1866, and possess no rights to enrollment other than as descendants of their said parents.

THE EVIDENCE IN THIS CASE FURTHER SHOWS: That the applicants, Dennis Hicks Sr., and Susie Hicks, neither claim nor possess any rights to enrollment as Cherokee freedmen other than those obtained by virtue of their marriage to the applicants Nettie ... Joseph Hicks; that the applicants Nettie Hicks, Joshua Holt

and Sallie Miller, (children of One Esther Holt), and Anderson Johnson, deceased, Buck Bushyhead, deceased, and Nettie Downing, deceased, were the slaves of Cherokee citizens at the commencement of the rebellion, were taken from the Cherokee Nation during said rebellion, and did not return thereto and establish a residence therein within the time specified in the Whitmire decree, supra., for the return of freedmen to the Cherokee Nation; that the applicants, Leroy, Dennis Jr., Delana, Mabel, and Elmer Hicks, Jane Holt, Laura and Willa Beason, Jessie, Willard, Clifford and Faucelia (Marcelia) Holt, Mary Johnson, Ruth Vann, Martha and Lillie Chinnett, Frank and Luella Johnson (In C.F.D. 855 the Commission found that one Charlotte Beck, mother of the applicant, Luella Johnson, possesses no rights to enrollment as a Cherokee freedman, and on July 21, 1904, its finding was approved by the Department), Elize and Tyndle S. Hawkins, Joseph, Otto A., Katie and James T. Hicks, Frances, Nettie, Katie, Clarence and Wilda Johnson, Anna Butler, Esther Owen, Howard Bushyhead, and Katie Davis, were born since the commencement of the rebellion, are descendants of the said applicants, Dennis Hicks Sr., Bettie and Susie Hicks, Joshua Holt and Sallie Miller, and of Anderson Johnson, deceased, Buck Bushyhead, deceased, Nettie Downing, deceased, and Mary Ridge, deceased, (In re Mary Ridge see preceding paragraph), and possess no rights to enrollment as Cherokee freedmen other than as such descendants.

THE EVIDENCE FURTHER SHOWS: That one Riley McNair and one Maria McNair, both deceased, were the parents of the applicants, Moses, Andrew, Jesse, Frank and Jerry Riley, Fannie Scott, Delilah and Lottie Johnson, and of Millie McNair, deceased; that the said Riley, Maria and Millie McNair, all deceased, and the said applicants, Moses, Andrew, Jesse and Jerry Riley, Fannie Scott and Lottie Johnson, and the applicants, Jane Riley, Daniel Thompson, Elick and Amanda Ward and Sandy Thompson, and Bon Landrum, deceased, Harrison Johnson, deceased, and Columbus Rogers, deceased, were the slaves of Cherokee citizens at the commencement of the rebellion, were taken from the Cherokee Nation during said rebellion, and did not return thereto and establish a residence therein within the time specified in the above mentioned Whitmire decree, for the return of Cherokee freedmen to said Nation; that the applicant, Ruth Riley, is a daughter of Henry Thornton, deceased, and Hattie Thornton, was born since 1866, and possesses no rights to enrollment other than as a descendant of her said parents; (In C.F.D. 574, 580 and 581, the Commission found that the said Katie Thornton and one Maggie Curls and one Joseph Thornton, full sister and brother of the said applicant, Ruth Riley, possess no rights to enrollment as Cherokee freedmen, and on June 21, 1904, its finding was approved by the Department); that the applicant, Hannah Riley, was born prior to the commencement of the rebellion, and was the slave of a non-citizen of the Cherokee Nation at the commencement of the rebellion; and that the applicants, Lillie

Nathanial, Joseph, Ollie, Viola, Mabel, Elnora, Ideller, Luther D., Frank, Lottie, Fannie, James, Ralph, Arizona, Inola, Earl E., Clarence (In C. F. D. 624, the Commission found that one Mary Riley wife of the applicant Frank Riley, and mother of the applicants, Lottie, Fannie, James, Ralph, Arizona, Inola and Earl E. Riley, and grandmother of the applicant, Clarence Riley, possesses no rights to enrollment as a Cherokee freedman, and on October 31, 1904, its finding was approved by the Department), Samuel, James E., Amanda, Mariah, Maggie, Calvin, Bertha, Ada and Leona Riley. Charles Wesley Miller, Bessie and Jimmie Scott, Delilah, Allie, Luman, Jesse, Alfred, Nola, Della, Ella, Harrison, Rebecca, Lufe, Wilbert and Arch Johnson, Henrietta, Irvin, Harry, Roy, Dan, Effie Troy, Jesse and Maine Ward, Lenora Odine Riley, Charles Landrum, Bettie McIntosh, William Riley, Carrie Gibson, Cora J., and Oval Wagoner, Arthur Riley, Elizabeth and Elnora Melton, Julius, Riley, Willie, Edward, James, George, Stephenia and Beattrice Curls, (One Nancy Curls, C.F.D. 429, who was denied enrollment by the Commission is the mother of the six last mentioned applicants), Ophelia, Alpha, Libbie, Hirschel, Harvey, and Clyde Thompson, were born since the commencement of the rebellion, are descendants of the said applicants, Moses, Andrew, Jesse, Jerry, Jane, Ruth and Hannah Riley, Fannie Scott, Lottie Johnson, Daniel and Sandy Thompson, and Elick and Amanda Ward, and of the said Riley McNair, deceased, Maria McNair, deceased, and Millie McNair, deceased, Ben Landrum, deceased, Harrison Johnson, deceased, and Columbus Rogers, deceased, and possess no rights to enrollment other than as such descendants.

None of the applicants herein born during or prior to the first below mentioned year, nor the ancestors of any of the said applicants herein born during or subsequent to the said first below mentioned year, can be identified on the Cherokee authenticated tribal roll of 1880, and none of the applicants herein can be identified on the Cherokee census roll of 1896.

THE EVIDENCE HEREIN FURTHER SHOWS: That the applicants Ethel Townsend and Clarence Curls, died prior to September 1, 1902. Affidavits to that effect are filed herewith and made a part of the record herein.

Section twenty-five of the Act of Congress approved July 1, 1902 (32 Stat., 716), provides:

> "The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized Tribes."

The applicants, Katie and Cornelius Ridge and Phoebe Johnson, testify that they, together with Mary and Jesse Edge,

both deceased, returned to the Cherokee Nation in 1866, remained a few months, and then removed to Joplin, Missouri, where they resided for a number of years. That they returned to the Cherokee Nation in 1866 is controverted by the testimony of witnesses who were in a position to know the matters of which they testify, In view of the fact that the burden of proof is on the applicants, and they must show by satisfactory evidence that their rights to enrollment are perfect, it is considered that these applicants have wholly failed in this, and that their applications come within the rulings of the Department in the cases of Eliza Bryant, et al. (I.T.D. 544-04), William Rector (I.T.D. 1468-04), Minnie Duncan et al. (I.T.D. 1470-04), Samantha Chambers, (I.T.D. 2296-04), Ed Williams (I.T.D. 4230-04), Martha Albert et al., (I.T.D. 4732-04), and Moses Ross (I.T.D. 6056-04); and, granting that said above named parties did return to the Cherokee Nation in 1866, as contended, it is further considered that they did not establish such a residence in said Nation as was contemplated by the treaty of 1866, and are, therefore, within the rulings of the Department in the cases of Martha Gales and Susan Brown (I.T.D. 1850-04), and Thomas Mayfield et al. (I.T.D. 6963-04).

The testimony in re return to the Cherokee Nation, after the rebellion, of the applicants, Bettie Hicks, Joshua Holt, and Sallie Miller, and of the said Buck Bushyhead, deceased, and Nettie Downing, deceased, is contradictory in itself, and contradicted by the testimony of witnesses in behalf of the Cherokee Nation, hence, it is unsatisfactory, and the first above mentioned rulings of the Department are considered applicable. In this connection attention is called to the cases of Esther Holt, C.F.D. 645, Tecumseh Holt, C.F.D. 663, William Holt, C.F.D. 694, and Moses Holt, C.F.D. 185, mother and brothers of the three applicants first named in this paragraph. The material facts as established by the evidence in the several cases embracing this family, are practically the same, and the Commission found that the said Esther, Tecumseh, William and Moses Holt, possess no rights to enrollment as Cherokee freedmen, and its findings were duly approved by the Department. Granting that the applicants, Bettie Hicks, Joshua Holt and Sallie Miller, and the said Buck Bushyhead and Nettie Downing, deceased, returned to the Cherokee Nation during the interval between the close of the rebellion and February 11, 1867, they must have remained but a short time, as, by the testimony of the applicants themselves, and that of disinterested witnesses, it is shown that during a period beginning immediately subsequent to the year 1867, they, for a number of years, continuously lived outside the limits of the Indian Territory, consequently, the ruling of the Department in the cases of Martha Gales, Susan Brown and Thomas Mayfield, et al., supra., is also applicable to them.

Sam Webber, Lewis Whitmire, and Daniel and Reuben Sanders, testify that Anderson Johnson returned to the Cherokee Nation with them in the summer of 1866, but for reasons more fully set out below, it is not considered that their testimony is either convincing or satisfactory. That these four witnesses complied with

the treaty stipulations of 1866, there is no doubt. They were admitted to citizenship by the Chambers Court, and [illegible] on the 1880 roll. Without calling attention to the [illegible] in which the above named witnesses have been [illegible] dicted and repeatedly impeached, it is [illegible] that, after hearing the testimony of numerous [illegible] ested and disinterested, and after the examination of [illegible] hibits filed and made a part of the record in [illegible] can identify each and every member of the party [illegible] as the Webber-Whitmire-Sanders detachment, or colony, who complied with the treaty stipulations of 1866, and it is fully convinced that Anderson Johnson was not a member of that party. In support of this position attention is called to the fact that the personnel of the above mentioned party was thoroughly gone into by the Chambers Court, in 1878-9, and numerous witnesses, among others, the said Lewis Whitmire, examined on behalf of both parties, and that, too, at a time when the facts must have been fresh in their minds, and no particular advantage was to be had by misrepresenting who were included in said party, with one accord testify as to who composed this colony of freedmen, and the said Anderson Johnson is never named as one of them. By reason of changed conditions, the experience of the former Commission and of this office, in their investigations relative to the personnel of said colony of freedmen, has been somewhat different from that of the Chambers Court, but generally the conclusions reached have been the same. It seems to have been the policy of those witnesses appearing before the Commission, who were members of the above mentioned colony of freedmen, to add to said colony as occasion required, but after an examination of a great number of freedmen cases in which the above named witnesses testified, it cannot be found that they ever included Anderson Johnson as a member of this colony, until they were called upon as witnesses in behalf of his descendants, although they were often asked to, and as often did, name those who returned with them in 1866.

As to the return of Riley McNair, deceased, to the Cherokee Nation after the rebellion: Moses Hardrick, in behalf of the descendants of the said Riley McNair, testifies that, after the rebellion, he and Riley McNair returned to the Cherokee Nation together. In C.F.D. 314, the Commission found that the said Moses Hardrick did not return to the Cherokee Nation within the time specified in the Whitmire decree, and on October 10, 1904, its finding was approved by the Department. It was several months after the above indicated trip before Riley McNair moved his wife and family to the Cherokee Nation. One Emma Purtle, daughter of the said Riley and Maria McNair, removed from the Cherokee Nation during, and returned thereto after, the rebellion, with her father's family. In C.F.D. 265, the Commission found that the said Emma Purtle did not return to the Cherokee Nation within the time specified in the Whitmire decree, and on November 12, 1904, its finding was approved by the Department. The said Columbus Rogers, deceased, returned to the Cherokee Nation after the rebellion, with the said McNair-Riley family.

The applicant, Jane Riley, testifies that she returned to the Cherokee Nation in 1866, and is corroborated by her witness, Jack Landrum. No credit can be given the testimony of the said Jack Landrum, as he has been repeatedly contradicted and impeached, (See, in particular, C. F. D. 498-D 664 and D 863). In C. F. D. 578 (R 410), he swore, point blank, that Katie Thornton, applicant therein, and her husband, Henry Thornton, deceased, returned to the Cherokee Nation during the winter of 1866, and that he hauled logs to help build their house. In this case it was conclusively shown by the testimony of disinterested witnesses, that the said Katie and Henry Thornton did not leave Garnett, Kansas, after the rebellion, prior to March 1, 1871, and on this testimony the Commission denied the applicant, Katie Thornton, the right to enrollment, and its action was duly approved by the Department. Attention is further called to the fact that the said applicant, Jane Riley, and one Ben Landrum, deceased, are the parents of the applicants Charles Landrum and Nettie McIntosh, and that the said two last named applicants were born in 1864 and 1868, respectively. It is shown by the testimony of several disinterested witnesses, and a certified copy of the record of certain proceedings had before the District Court of Woodson County, Kansas, that the said Ben Landrum, continuously lived near Garnett, Kansas, during the years 1866, '67 and '68.

The applicant Daniel Thompson, testifies that on his return to the Cherokee Nation after the rebellion, he found his son, Andrew Watie, at Fort Gibson. In C. F. D. 502, the Commission found that the said Andrew Watie did not return to the Cherokee Nation after the rebellion within the time specified in the Whitmire decree. The applicants Sandy Thompson and Amanda Ward, returned with their father, the said Daniel Thompson.

In connection with those applicants herein who claim through Jess Ridge, deceased, and the applicants, Cornelius Ridge, Henry Ridge, Daniel Thompson, and Robert Foster, attention is called to the fact that the Commission on Cherokee Citizenship of 1878-9, decided that the said Jess Ridge, since deceased, and the four applicants last above named, were not entitled to Cherokee citizenship, a certified copy of the proceedings of said Commission in re above named parties, being filed herewith and made a part of the record herein.

The applicant, Elick Ward, swears that he was raised by one Peter Ward, and after the rebellion returned to the Cherokee Nation with the said Peter Ward and one Abraham Ward In C. F. D. 613 (R 282), and D 607 (R 283), the Commission found that the said Peter and Abraham Ward did not return to the Cherokee Nation after the rebellion, within the time specified in the Whitmire decree, and on April 29, 1904, its findings were approved by the Department.

IT IS, THEREFORE, ORDERED AND ADJUDGED: -That, following the ruling of the Department in the case of Lemuel Welcome (I. T. D. 5648, 11776-04), under the provisions of the Act of Congress approved June 28, 1898 (30 Stat., 495), Laura Ridge, Ay Lynch, Dennis Hicks Sr., and Susie Hicks, are not entitled to enrollment

as citizens by intermarriage of the Cherokee Nation, and their applications for enrollment as such are accordingly denied; and that under the provisions of Section Twenty-one of the Act last above noted Katie Ridge, Cornelius Ridge, Pearl Ridge, Jesse Ridge, and Myrtle Ridge, Phoebe (Milton) Johnson, Joseph Milton, Percy Milton, Herbert Milton, Serena Milton, and Pearl Milton, Henry D. Ridge, Ida Jones, Lee Martin, Eddie Martin, and Stella Martin, Cornelias Jones, Elnora Vann, Maud Riley, Jesse Barnett and John C. Riley, Rosa Vann and Josephine Vann, William Townsend, Mollie Townsend, Rosa Townsend, George Townsend, and Arthur Townsend, Nettie Hicks, Leroy Hicks, Dennis Hicks Jr., Delana Hicks, Mabel Hicks and Elmer Hicks, Joshua Holt, Jane Holt, Laura Beeson, Ella Beeson, Jessie Holt, Willard Holt, Clifford Holt and Maucelia (Marcelia) Holt, Sallie Miller, Mary Johnson, Ruth Vann, Martha Chinnett and Lillie Chinnett, Frank Johnson and Lucila Johnson, Eliza Hawkins and Tyndle E. Hawkins, Joseph Hicks, Otto A. Hicks, Katie Hicks, James A. Hicks, Frances Johnson, Nettie Johnson, Katie Johnson, Clarence Johnson and Wilda Johnson, Anna Butler, Esther Owen, Howard Bushyhead, Katie Davis, Moses Riley, Lillie Riley, Andrew Riley, Nathanial Riley, Jesse Riley, Joseph Riley, Ollie Riley, Viola Riley, Mabel Riley, Elnora Riley, Adeller Riley, Luther D. Riley, Frank Riley, Lottie Riley, Fannie Riley, James Riley, Ralph Riley, Arizona Riley, Inola Riley, Earl B. Riley, Clarence Riley, Jerry Riley, Samuel Riley, James E. Riley, Amanda Riley, Mariah Riley, Maggie Riley, Calvin Riley, Bertha Riley, Ada Riley, and Leona Riley, Fannie Scott, Charles Wesley Miller, Bessie Scott, and Jimmie Scott, Delilah Johnson, Allie Johnson, Luman Johnson, Jesse Johnson, Alfred Johnson, Nola Johnson, Della Johnson, Ella Johnson, Harrison Johnson, Lottie Johnson, Rebecca Johnson, Luford Johnson, Wilbert Johnson and Arch Johnson, Jane Riley, Daniel Thompson, Elick Ward, Amanda Ward, Henrietta Ward, Irvin Ward, Harry Ward, Roy Ward, Dan Ward, Effie Ward, Troy Ward, Jesse Ward and Maine Ward, Sandy Thompson, Ruth Riley, Lenora Odine Riley, and Hannah Riley, Charles Landrum, Bettie McIntosh, William Riley, Carrie Gibson, Cora J. Wagoner and Oval Wagoner, Arthur Riley, Elizabeth Melton and Elnora Melton, Julius Curls, Riley Curls, Willie Curls, Edward Curls, James Curls, George Curls, Stephenia Curls and Beattrice Curls, Ophelia Thompson, Alpha Thompson, Libbie Thompson, Hirschel Thompson Harvey Thompson and Clyde Thompson, are not entitled to enrollment as Cherokee freedmen, and their applications for enrollment as such are accordingly denied.

AND IT IS FURTHER ORDERED AND ADJUDGED: That the applications for the enrollment of Ethel Townsend and Clarence Curls, be, and the same are, hereby dismissed, in accordance with the provisions of section twenty-five of the Act of Congress approved July 1, 1902 (32 Stat., 716).

(Signed) Tams Bixby

COMMISSIONER.

Dated at Muskogee, Indian Territory,

this: Oct. 13, 1906.

Cherokee Freedman D 295 et al

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Katie Ridge et al., as Cherokee Freedmen.

Copy, in part of certain records in the custody of this office.

"The following named persons have been reported by the 'Commission on Citizenship' of 1878-9, as having appeared or been summoned before the Commission, with the decisions of the Commission upon their respective claims to citizenship. (Copied from Commission's report on file in Executive Office).

Saline District.

Rejected: (among others.) Cornelius Ridge, Henry Ridge, Dennis Hicks and Robert Foster.

Cooweescoowee District.

Rejected: (among others), Riley McNair, Jess Ridge and Daniel Thompson.

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I hereby certify that the foregoing is a true and correct copy of certain proceedings had before the Commission on Cherokee Citizenship as contained in Docket "A" of said Commission, and that the said docket is in the lawful custody of this office. And it is ordered that a copy of said proceedings be filed with and made a part of the record in the consolidated case of Katie Ridge, et al., Cherokee Freedman D 295 et al.

Wm O Bell
acting Commissioner

Dated at Muskogee, Indian Territory,

this SEP 14 1905

EMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 7 - 1901

Post Office Lilbourn

District Lilbourn

1. Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

2. Name of wife Edmora Vann Age 18

Owner's name ..... Citizenship .....

Year K.C Page 156 No. 3864 District Coo

Parents:

Father Jesse Ridge-dead Citizenship Colored

Mother ..... Citizenship .....

Names of Children:

3. ..... Year ..... Page ..... No. ..... Dist. .....
4. ..... Year ..... Page ..... No. ..... Dist. .....
5. ..... Year ..... Page ..... No. ..... Dist. .....
6. ..... Year ..... Page ..... No. ..... Dist. .....
7. ..... Year ..... Page ..... No. ..... Dist. .....
8. ..... Year ..... Page ..... No. ..... Dist. .....
9. ..... Year ..... Page ..... No. ..... Dist. .....
10. ..... Year ..... Page ..... No. ..... Dist. .....
11. ..... Year ..... Page ..... No. ..... Dist. .....
12. ..... Year ..... Page ..... No. ..... Dist. .....

Application made by Walter Vann Stenographer M. H. Green

on K.C Roll as Edmora Ridge

on Wallace Roll C 164, 1986, Eleanor Ridge, Coo

Cherokee Freedmen
R-113.

Muskogee, Indian Territory, October 17, 1903.

Elnora Vann,

Spavinaw, Indian Territory.

Dear Madam:

In the matter of the application for your enrollment as a Cherokee freedman, you are advised that before a decision can be prepared in your case, further testimony is required as to your father's parentage; also as to your residence since birth. The Commission desires that you procure, if possible, the testimony of Katie Ridge and Cornelius Ridge, in addition to your own.

You are therefore hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, on Wednesday, November 18, 1903, and introduce the required testimony covering the points above mentioned.

Respectfully,

Commissioner in Charge.

1109

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
R-115.

Muskogee, Indian Territory, February 26, 1904.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of Rinora Vann for enrollment as a Cherokee freedman, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to applicant's father's parentage; also as to her residence since birth. The Commission desires, if possible, the testimony of Katie Ridge and Cornelius Ridge in addition to that of the applicant.

The said Rinora Vann has therefore this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Tuesday, April 5, 1904, and introduce testimony as above requested.

The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen

D-23[illegible], et al.

Muskogee, Indian Territory, October 18, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 18, 1905, rejecting the applications for enrollment as Cherokee freedmen and as citizens by intermarriage of the Cherokee Nation in the consolidated applications of Katie Riley, et al., Cherokee Freedmen D-235, et al.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the action of the Secretary as soon as this office is informed of the same.

Respectfully,

(Signed) Tams Bixby

Encl. 9-223 Commissioner.

Cherokee Freedmen

R-113.

Muskogee, Indian Territory, October 13, 1905.

Elnora Vann,

Spavinaw, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 13, 1905, rejecting, upon objections, your application for enrollment as a Cherokee freedman. There has heretofore been furnished your attorney, Elmer Thomas, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

Tams Bixby.
Commissioner.

Incl. S-92
Register

Cherokee Freedmen

D-295, et al.

Muskogee, Indian Territory, October 18, 1905.

Edgar Smith,

Attorney for Katie Ridge, et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 18, 1905, rejecting the applications for enrollment as Cherokee freedmen and as citizens by intermarriage of the Cherokee Nation in the consolidated applications of Katie Ridge, et al., Cherokee freedmen D-295, et al. You have heretofore been furnished a copy of the record of proceedings had in this case.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the action of the Secretary as soon as this office is informed of the same.

Respectfully,

(Signed) Tams Bixby

Commissioner.

Incl. D-222

Register

Muskogee, Indian Territory, October 13, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of September 13, 1905, (I.T.D. 2218, 7024-1905), there is herewith transmitted the record of proceedings had in the matter of the consolidated applications for enrollment as Cherokee Freedmen and as citizens by intermarriage of the Cherokee Nation, of Katie Ridge, et al., Cherokee Freedmen D 295, et al., including the decision of the Commissioner to the Five Civilized Tribes dated October 13, 1905, rejecting the applications of Laura Ridge, Ary Lynch, Dennis Hicks Sr., and Susie Hicks, as citizens by intermarriage of the Cherokee Nation, and of Katie Ridge, Cornelius Ridge, Pearl Ridge, Jesse Ridge and Myrtle Ridge, Phoebe (Milton) Johnson, Joseph Milton, Percy Milton, Herbert Milton, Serena Milton and Pearl Milton, Henry C. Ridge, Ida Jones, Lee Martin, Eddie Martin and Stella Martin, Cornelius Jones, Elnora Vann, Maud Riley, Jesse Barnett and John C. Riley, Rosa Vann and Josephine Vann, William

Townsend, Hellie Townsend, Rosa Townsend, George Townsend and Arthur Townsend, Bettie Hicks, Leroy Hicks, Dennis Hicks Jr., Delana Hicks, Mabel Hicks and Elmer Hicks, Joshua Holt, Jane Holt, Laura Beeson, Ella Beeson, Jessie Holt, Willard Holt, Clifford Holt and Maucelia (Marcelia) Holt, Sallie Miller, Mary Johnson, Ruth Vann, Martha Chinnett and Lillie Chinnett, Frank Johnson and Luella Johnson, Eliza Hawkins and Tyndle E. Hawkins, Joseph Hicks, Otto A. Hicks, Katie Hicks, James A. Hicks, Frances Johnson, Nettie Johnson, Katie Johnson, Clarence Johnson and Wilda Johnson, Anna Butler, Esther Owen, Howard Bushyhead, Katie Davis, Moses Riley, Lillie Riley, Andrew Riley, Nathanial Riley, Jesse Riley, Joseph Riley, Ollie Riley, Viola Riley, Mabel Riley, Elmora Riley, Ideller Riley, Luther D. Riley, Frank Riley, Lottie Riley, Fannie Riley, James Riley, Ralph Riley, Arizona Riley, Inola Riley, Earl E. Riley, Clarence Riley, Jerry Riley, Samuel Riley, James E. Riley, Amanda Riley, Mariah Riley, Maggie Riley, Calvin Riley, Martha Riley, Ada Riley and Leona Riley, Fannie Scott, Charles Wesley Miller, Bessie Scott and Jimmie Scott, Delilah Johnson, Allie Johnson, Luman Johnson, Jesse Johnson, Alfred Johnson, Nola Johnson, Della Johnson, Ella Johnson, Harrison Johnson, Lottie

Johnson, Rebecca Johnson, Luford Johnson, Wilbert Johnson and Arch Johnson, Jane Riley, Daniel Thompson, Elick Ward, Amanda Ward, Henrietta Ward, Irvin Ward, Harry Ward, Roy Ward, Dan Ward, Effie Ward, Troy Ward, Jesse Ward and Maine Ward, Sandy Thompson, Ruth Riley, Lenora Odine Riley and Hannah Riley, Charles Landrum, Bettie McIntosh, William Riley, Carrie Gibson, Cora J. Wagoner and Oval Wagoner, Arthur Riley, Elizabeth Melton and Elnora Melton, Julius Curls, Riley Curls, Willie Curls, Edward Curls, James Curls, George Curls, Stephenia Curls and Beattrice Curls, Ophelia Thompson, Alpha Thompson, Libbie Thompson, Hirschel Thompson, Harvey Thompson, and Clyde Thompson, for enrollment as Cherokee Freedmen, and dismissing the applications for enrollment as Cherokee Freedmen of Ethel Townsend and Clarence Curls.

In connection with the finding of this office relative to the rights of Cornelius Ridge to enrollment as a Cherokee freedman, case No. D 536, the same being included in the consolidated case of Katie Ridge, et al., herewith transmitted, the attention of the Department is invited to the case of Enoch Daniels, et al., Cherokee Freedman No. 1429, formerly Cherokee Freedman D 219, wherein, in its de-

cision rendered on July 5, 1904, the Commission to the Five Civilized Tribes found, inter alia, that one Laura Daniels, nee Ridge, daughter of the said Cornelius Ridge, was entitled to enrollment as a Cherokee Freedman, said finding being concurred in by the Commissioner of Indian Affairs on September 24, 1904 (Land 57605-04), and affirmed by the Department on October 22, 1904 (I.T.D. 7724-04), and in conformity thereto said applicant's name was placed upon a schedule of Cherokee Freedmen forwarded to the Department on June 26, 1905, and she is now included in a partial roll of Cherokee freedmen approved by the Secretary of the Interior on July 27, 1905, opposite No. 3907.

The right of this applicant, Laura Daniels, nee Ridge, who was born since 1866, to enrollment as a Cherokee freedman was based upon the theory that her father the said Cornelius Ridge had "heretofore been enrolled by this Commission as a Cherokee freedman", which, as the consolidated case herewith transmitted indicates, was error.

It is, therefore, respectfully recommended that, if the Department affirms the decision of this office as to the rights of the said Cornelius Ridge to Cherokee freedman

citizenship, the case of Enoch Daniels, et al., Cherokee Freedman 1429, formerly Cherokee Freedman D 219, be reopened, and the decision therein, in so far as it grants to the said Laura Daniels, nee Ridge, the right to Cherokee Freedman citizenship, be reversed.

Respectfully,

Commissioner

Through the

Commissioner of Indian Affairs.

Incl. 7 16.
LMB

--Copy--

LAND: DEPARTMENT OF THE INTERIOR, JFA
OFFICE OF INDIAN AFFAIRS,
63607-91559-1905. WASHINGTON.
91821-91843-1905
91492-101897-1905 December 22, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated October 13, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Katie Ridge for herself; by Cornelius Ridge for himself and wife Laura Ridge (by intermarriage and his minor children, Pearl, Jesse, and Myrtle Ridge; by Phoebe Milton Johnson for herself and her minor children, Joseph, Percy, Herbert, Serena, and Pearl Milton; by Henry C. Ridge for himself; by Ida Jones for herself and her minor children, Lee, Eddie, Stella, and Cornelius Jones; by Charles J. Lynch for his wife, Amy Lynch (by intermarriage) by Walter Vann for his wife, Elnora Vann; by Maud Riley for herself and her minor children, Jesse Barnett and John C. Riley; by Rosa Vann for herself and her minor child, Josephine Vann; by William Townsend for himself; by Nellie Townsend for herself and her minor children, Rosa, George, Arthur, and Ethel Townsend; by Dennis Hicks for himself (by intermarriage) and wife Bettie Hicks and his minor children, Leroy, Dennis, Jr., Delmas, Mabeh, and Elmer Hicks; by Joshua Hale for himself and wife,

Jane Holt and minor ste-children, Laura and Nila Beeson and minor children, Jessie, Willard, Clifford, and Marcelia (Marcelia) Holt; by Sallie Miller for herself; by Mary Johnson for herself; by Ruth Chinnett and for herself and her minor children, Martha, and Little Chinnett; by Frank Johnson for himself and his minor child, Lidia Johnson; by Eliza Hawkins for herself and her minor child, Tyndle E. Hawkins; by Joseph Hicks for himself and wife, Susie Hicks (by intermarriage) and minor child, Otto A. Hicks; by Katie Hicks for herself; by James A. Hicks for himself; by Frances Johnson for herself and her minor children, Nettie, Katie, Clarence, and Wilda Johnson; by Anna Butler for herself and her minor child, Esther Gwen, and her adult brother, Howard Bushyhead; by Katie Davis for herself; by Moses Riley for himself and minor child, Lillie Riley; by Andrew Riley for himself and his minor child, Nathaniel Riley; by Jesse Riley for himself and his minor children, Joseph, Ollie, Viola, Mabel, Elmera, Ideller, and Luther D. Riley; by Frank Riley for himself and his minor children, Lottie, Fannie, James, Ralph, Arizona, Clarence, Ewela and Earl E. Riley; by Jerry Riley for himself and his minor children, Samuel, James E., Amanda, Mariah, Maggie, Calvin, Bertha, Ada and Leona Riley; by Fannie Scott for herself and her minor children, Charles Wesley Miller, and Bessie, and Jimmie Scott; by Delilah Johnson for herself and her minor children, Allie, Lemon, Jesse, Alfred, Nola, Della, Nila and Harrison Johnson; by Lottie Johnson for herself and her minor children, Rebecca, Luford, Wilbert, and Arch Johnson; by Jane Riley for herself; by Daniel Thompson for himself; by Nick Ward

for himself and wife, Amanda Ward, and his minor children, Irvin, Harry, Roy, Dan, Effie, Trey, Jesse, and Maine Ward; by Sandy Thompson for himself; by Ruth Riley for herself, and her minor child, Lenora Odine Riley; by Hannah Riley for herself; by Charles Landrum for himself; by Bettie McIntosh for herself; by William Riley for himself; by Carrie Gibson for herself; by Cora J. Wagoner for herself and her minor child, Oval Wagoner; by Arthur Riley for himself; by Elizabeth Melton for herself and her minor child, Elnora Melton; by Julius Curls for himself; by Riley Curls for himself and his minor children, Willie, Edward, James, George, Stephenia, Clarence, and Beatrice Curls; and by Ophelia Thompson for herself and her minor children, Alpha, Libbie, Herschel, Harvey, and Clyde Thompson.

October 13, 1905, the Commissioner decided adversely to all the applicants.

The record shows that the applicant, Katie Ridge, is the mother of the applicants, Cornelius Ridge, Phoebe Johnson, Jesse Ridge, deceased, and Mary Ridge (later Hicks former wife of Dennis Hicks Sr.), deceased; that they were the slaves of Cherokee citizens at the beginning of the War of the Rebellion, were taken out of the Cherokee Nation, during the War, and did not return thereto on or before February 11, 1867; that the applicants, Laura Ridge, and Amy Lynch neither claim nor possess any rights to enrollment other than those obtained by marriage to the applicants, Cornelius Ridge and Jesse Ridge, deceased; that the applicants Dennis Hicks, Sr., and Susie Hicks neither claim nor possess

any rights to enrollment other than by virtue of their marriage to Nettie and Joseph Hicks; that the applicants, Nettie Hicks, Joshua Holt and Sallie Miller (children of one Esther Holt), and Anderson Johnson, deceased, Buck Bushyhead, deceased, and Nettie Downing, deceased, were the slaves of Cherokee citizens at the beginning of the War of the Rebellion; were taken out of the Cherokee Nation during the War, and did not return on or before February 11, 1867; that one Riley McNair and one Maria McNair, both deceased were the parents of the applicants, Moses, Andrew, Jesse, Frank and Jerry Riley, Fannie Scott, Delilah and Lettie Johnson, and of Millie McNair, deceased; that the said Riley, Maria, and Millie McNair, all deceased, and Moses, Andrew, Jesse, and Jerry Riley, Fannie Scott and Lettie Johnson, and Jane Riley, Daniel Thompson, Mack and Amanda Ward and Sandy Thompson and Ben Landrum, deceased, Harrison Johnson, deceased, and Columbus Rogers, deceased, were the slaves of Cherokee citizens at the beginning of the War of the Rebellion, were taken out of the Cherokee Nation during the war and did not return thereto on or before February 11, 1867; that all the other applicants were born since 1866, are descendants of the foregoing and possess no rights to enrollment except as such descendants, or have failed after ample opportunity afforded to establish such a right. None is identified on the 1880 authenticated Cherokee roll, or the Cherokee census roll of 1896, nor can an ancestor be so identified.

There is also enclosed a letter from the Commissioner to the Five Civilized Tribes transmitting a motion in behalf

of the applicants and three communications from G. P. Fogle enclosing motions in their behalf which have been carefully considered.

In view of the record the approval of the Commissioner's decision adverse to all the applicants is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

MMM
C

JFJr

DEPARTMENT OF THE INTERIOR, LLB

D.C.29336. Washington.

I.T.D.17884-1905. July 9, 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

On October 13, 1905, you transmitted the record, together with your dedision of the same date, in the matter of the consolidated applications for enrollment as Cherokee freedmen of Katie Ridge et al. (Cherokee freedmen D. 295). Said decision was adverse to all the applicants.

Reporting December 22, 1905, the Indian Office concurs in your decision. A copy of its letter is inclosed.

The attorneys for the applicants have filed a number of motions and briefs in this case, and the attorney for the Cherokee Nation has filed his answer.

A consideration of these motions, together with the record, leadd the Department to the opinion that the case should be remanded for a further hearing.

The Department considers that this consolidated case should be divided, and that if possible the division should divide this large family into groups according to the three places from which

it is alleged they returned to the Indian Territory, under article 9 of the treaty of 1866, being first those persons and their descendants who returned from the neighborhood of Joplin, Mo.; second, those who returned from near Fort Scott, Kans., and third, those who returned from Garnett, Kans.

Having divided this case along the lines indicated, you will permit the attorneys for the applicants and for the nation to submit such proper evidence as they may see fit regarding the rights of these applicants for enrollment as Cherokee freedmen.

The record is returned.

Respectfully,

(Signed) Thos Ryan
Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 inclosure.

Cherokee Freedman
R 113.

Muskogee, Indian Territory, August 3, 1906.

Elnora Vann,

Spavinaw, Indian Territory.

Dear Madam:

In connection with your Cherokee freedman case, you are advised that this office is in receipt of Departmental letter of July 9, 1906, remanding the same to this office for a rehearing. The Department directs that the consolidated case of Katie Ridge, et al, which includes your application, be divided according to the places from which it is alleged the applicants returned to the Indian Territory under the Treaty of 1866. You are advised that under this division the following cases will be consolid ated.

D 636	William Townsend,
D 295	Katie Ridge,
D 586	Cornelius Ridge, et al,
D 589	Phoebe Johnson, et al,
D 638	Henry C. Ridge,
D 647	Ida Jones, et al,
R 70	Ary Lynch,
R 113	Elnora Vann,
D 591	Maud Riley, et al,
D 594	Rosa Vann, et al,
D 653	Mollie Townsend, et al.

Your attorney, Edgar Smith, Muskogee, Indian Territory, has this day been advised of the Department's action, and of the consolidation of the above cases, and

also requested to advise this office at the earliest practicable date the names and addresses of all the witnesses it is proposed to introduce on behalf of applicants in this case. When this information is furnished, the Attorney for the Cherokee Nation will be advised thereof, and a date will be set for a hearing in the case, of which action all parties at interest will be advised.

Respectfully,

M.A.

Commissioner.

Cherokee Freedman
D 295 et al.

Muskogee, Indian Territory, August 3, 1906.

Edgar Smith,

Attorney for Katie Ridge, et al,

Muskogee, Indian Territory.

Dear Sir:

In connection with the Cherokee freedman enrollment cases of Katie Ridge, et al, you are advised that this office is in receipt of Departmental letter of July 9, remanding said cases to this office for rehearing. The Department directs that this consolidated case be divided according to the places from which it is alleged the applicants returned to the Indian Territory under the Treaty of 1866.

You are advised that in accordance with this division, the following cases will be consolidated:

D 295	Katie Ridge,
D 586	Cornelius Ridge, et al,
D 589	Phoebe Johnson, et al,
D 636	Henry C. Ridge,
D 647	Ida Jones, et al,
R 70	Ary Lynch,
R 113	Elnora Vann,
D 591	Maud Riley, et al,
D 594	Rosa Vann, et al,
D 651	Mollie Townsend, et al,
D 634	William Townsend.

The records of this office show that you are the attorney of record for all of the above named applicants except Henry C. Ridge, freedman D. 638, the attorney in whose case is shown to be Wade H. Stanfield of Vinita, Indian Territory. You are advised that before a date will be set for a hearing in this case, the applicants will be required to furnish this office with a list of the names and addresses of all the witnesses they propose to introduce in their behalf. Upon receipt of this information, the attorney for the Cherokee Nation will be notified thereof, and a date set for a hearing in the case, of which all parties at interest will be advised. Mr. Stanfield, has this day been advised of the Department's action, and of what will be required of the applicants, and before submitting the list of thenames and addresses of the witnesses it is suggested that you communicate with him and submit at one time a list of all of the witnesses expected to be introduced.

For your information there is enclosed herewith copy of Departmental letter referred to.

Respectfully,

M.A.

Commissioner.

Cherokee Freedman
D 298 et al.

Muskogee, Indian Territory, August 3, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation.

Muskogee, Indian Territory.

Dear Sir:

In connection with the Cherokee freedman consolidated cases of Katie Ridge, et al, you are advised that this office is in receipt of Departmental letter of July 9, remanding said cases to this office for rehearing.

In accordance with the Department's direction, the following cases will be consolidated:

D 298	Katie Ridge,
D 586	Cornelius Ridge, et al,
D 589	Phoebe Johnson, et al,
D 638	Henry C. Ridge,
D 647	Ida Jones, et al,
R 70	Ary Lynch,
R 113	Elnora Vann,
D 582	Maud Riley, et al,
D 594	Rosa Vann, et al,
D 651	Mollie Townsend, et al,
D 636	William Townsend.

The applicants in these cases, and their attorneys, have this day been advised of the Department's action and of the consolidation of these cases, and notified that before a date would be fixed for a hearing in the cases,

they will be required to furnish this office with a list of the names and addresses of the witnesses they propose to introduce in their behalf. Upon receipt of this information, you willbe advised thereof, and a date willbe set for a hearing in the cases, of which action all parties at interest will be advised.

For your information there is enclosed herewith a copy of Departmental letter referred to.

Respectfully,

M.A. Encl. 3-3.

Commissioner.

Cherokee F.
R 113

Muskogee, Indian Territory, November 14, 1906.

Elnora Vann,

Spavinaw, Indian Territory.

Dear Madam:

In connection with your Cherokee freedmen case, you are advised that by agreement between your attorneys, Starr and Patten, Vinita, Indian Territory, and the attorney for the Cherokee Nation, you will be permitted to appear before the offices of the Commissioner on December 14, 1906, and introduce the testimony of the witnesses whose names and addresses your attorneys furnished this office November 5, 1906.

The Cherokee Nation will be permitted to appear on that date and introduce, in rebuttal, such testimony as it desires in your case.

Respectfully,

Commissioner.

H.J.C.

Cherokee Freedmen
D 295

Muskogee, Indian Territory, November 12, 1906.

Starr & Patten,

Attorneys for Katie Ridge, et al.

Vinita, Indian Territory.

Gentlemen:

In compliance with the verbal agreement between you and the attorney for the Cherokee Nation, the Cherokee freedmen enrollment case of Katie Ridge, et al., will be set for hearing at Muskogee, Indian Territory, on December 14, 1906, at which time the applicants will be permitted to introduce the testimony of the witnesses whose names and addresses you furnished this office with your letter of November 5, 1906.

Respectfully,

Commissioner.

MCP

Cherokee Freedmen
D 295

Muskogee, Indian Territory, November 12, 1906

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

In compliance with the verbal agreement between you and Starr and Patten, attorneys for applicants in the Cherokee freedmen enrollment case of Katie Ridge, et al., you are advised that said attorneys have this day been notified that they will be permitted to appear before the offices of the Commissioner on December 14, 1906, and introduce the testimony of the witnesses whose names and addresses they furnished this office with their letter of November 5, 1906, a copy of which is enclosed herewith.

Respectfully,

Commissioner.

Incl.P-10
MMP

Cherokee/R113

COPY

Muskogee, Indian Territory, February 28, 1907.

Elnora Vann,

Spavinaw, Indian Territory.

Dear Madam:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting among others, the application for your enrollment as a Cherokee freedman. Your attorneys, Starr & Patten, Vinita, Indian Territory, have heretofore been furnished with a copy of the record of proceedings had in the case and there has this day been forwarded to them a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Enc I-43
RPI
Register.

Cherokee T.D.
295 et al.

Muskogee, Indian Territory, February 28, 1907.

Starr & Patten,

Attorneys for Katie Ridge, et al.,

Vinita, Indian Territory.

Gentlemen:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting the application for the enrollment of Katie Ridge, et al., as citizens by blood of the Cherokee Nation. You have heretofore been furnished with a copy of the record of proceedings had in the case.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Commissioner.

Enc 1-37

WT

Cherokee P.D.
295 et al.

Muskogee, Indian Territory, February 28, 1907.

W. T. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting the application for the enrollment of Katie Ridge et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the same, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Commissioner.

Enc L-25
EFI

Muskogee, Indian Territory, February 26, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Laura Ridge, Ary Lynch, Dennis Hicks, Sr., Susie Hicks, Katie Ridge, Cornelius Ridge, Pearl Ridge, Jesse Ridge, Myrtle Ridge, Phoebe Johnson, Joseph Milton, Percy Milton, Herbert Milton, Serena Milton, Pearl Milton, Henry G. Ridge, Ida Jones, Lee Martin, Eddie Martin, Stella Martin, Cornelius Jones, Elnora Vann, Maud Riley, Jesse Barnett, John C. Riley, Rosa Vann, Josephine Vann, William Townsend, Bettie Hicks, Leroy Hicks, Dennis Hicks, Jr., Delumm Hicks, Mabel Hicks, Elmer Hicks, Elika Hawkins, Tyndle E. Hawkins, Joseph Hicks, Otto A. Hicks, Katie Hicks, James A. Hicks, Joshua Holt, Jane Holt, Laura Beeson, Ella Beeson, Jessie Holt, Willard Holt, Clifford Holt, Marcelia (Marcelia) Holt, Mary Johnson, Ruth Vann, Martha Chissett, Lillie Chissett, Frank Johnson, Luella Johnson, Frances Johnson Nettie Johnson, Katie Johnson, Clarence Johnson and Hilda Johnson as Cherokee freedmen, together with the decision of the Commissioner, dated February 23, 1907, rejecting said application.

Secretary 2-

In connection with the finding of this office relative to the rights of Cornelius Ridge to enrollment as a Cherokee freedmen, case No. D 586, the same being included in the consolidated case of Katie Ridge, et al., herewith transmitted, the attention of the Department is invited to the case of Enoch Daniels, et al., Cherokee Freedman No. 1429, formerly Cherokee Freedman D 218, wherein, in its decision rendered on July 5, 1904, the Commission to the Five Civilized Tribes found, inter alia, that one Laura Daniels, nee Ridge, daughter of the said Cornelius Ridge, was entitled to enrollment as a Cherokee Freedman, said finding being concurred in by the Commissioner of Indian Affairs on September 24, 1904 (Land 57605-04), and affirmed by the Department on October 22, 1904 (I.T.D.7724-04), and in conformity thereto said applicant's name was placed upon a schedule of Cherokee Freedmen forwarded to the Department on June 26, 1905, and she is now included in a partial roll of Cherokee freedmen approved by the Secretary of the Interior on July 27, 1905, opposite No. 3907.

The right of this applicant, Laura Daniels, nee Ridge, who was born since 1866, to enrollment as a Cherokee freedman was based upon the theory that her father, the said Cornelius Ridge, had "heretofore been enrolled by this Commission as a Cherokee freedman", which, as the consolidated case herewith transmitted indicates, was error.

Secretary--1

It is, therefore, respectfully recommended that, if the Department affirms the decision of this office as to the rights of the said Cornelius Ridge to Cherokee freedman citizenship, the case of Enoch Daniels, et al., Cherokee freedman 1429, formerly Cherokee Freedman D 219, be reopened, and the decision therein, in so far as it grants to the said Laura Daniels, nee Ridge, the right to Cherokee freedman citizenship, be reversed.

Respectfully,

Through the Commissioner of Indian Affairs.

Commissioner.

Enc I-36

RPI

D.C.15398-1907. (C O P Y) J.P.Jr.

DEPARTMENT OF THE INTERIOR, S.P.

WASHINGTON.

I.T.D.8072-1907. March 4, 1907.

L.R.S.

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

On March 4, 1907 (Land 21941-07), the Indian Office transmitted your report, dated February 28, 1907, relative to proceedings had in the matter of the application for the enrolment of Laura (Katie) Ridge, et al., together with your decision of the same date rejecting the application.

The Indian Office concurs in your decision. A copy of its letter is inclosed.

The Department considers said decision correct and it is hereby affirmed.

In connection herewith your attention is called to one Laura Daniels, a party applicant in this case, who appears on a partial roll of Cherokee freedmen opposite No. 3907. You report that she was enrolled and that her enrolment was based on the theory that her father, Cornelius Ridge, who is denied enrolment in the present decision, had "heretofore been enrolled by the Commission as a Cherokee freedman". You state that this is an error and you

recommend that if the Department affirm your decision as to the rights of the said Cornelius Ridge to Cherokee citizenship that the case of Enoch Daniels, et al., be reopened and that the decision therein, in so far as it grants to the said Laura Daniels, nee Ridge, the right to Cherokee freedmanship, be reversed.

In accordance with your recommendation the Department rescinds its decision and reverses your decision in the case of Enoch Daniels in so far as said decisions apply to the enrolment of Laura Daniels, nee Ridge, and her name is canceled from the roll of Cherokee freedmen opposite No. 3907, as of this date.

Your office and the Indian Office are requested to make your records conform to this action.

The papers in the case, together with a carbon copy hereof, have been sent to the Indian Office.

Respectfully,

Jesse E. Wilson

Acting Secretary.

1 inc. and
2 to Ind. Of.

(C O P Y)

--Copy--

LAM4
21941-1907

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

March 4, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is forwarded herewith report of Commissioner Bixby, dated February 28, 1907, relative to applications for the enrollment of Laura Ridge, Ary Lynch, Dennis Hicks, Sr., Susie Hicks, Katie Ridge, Cornelius Ridge, Pearl Ridge, Jesse Ridge, Myrtle Ridge, Phoebe Johnson, Joseph Milton, Percy Milton, Herbert Milton, Serena Milton, Pearl Milton, Henry C. Ridge, Ida Jones, Lee Martin, Eddie Martin, Stella Martin, Cornelius Jones, Elmora Vann, Maud Riley, Jesse Barnett, John C. Riley, Rosa Vann, Josephine Vann, William Townsend, Bettie Hicks, Leroy Hicks, Dennis Hicks, Jr., Delsma Hicks, Mabel Hicks, Elmer Hicks, Eliza Hawkins, Tyndle E. Hawkins, Joseph Hicks, Otto A. Hicks, Katie Hicks, James A. Hicks, Joshua Holt, Jane Holt, Laura Beeson, Ella Beeson, Jessie Holt, Willard Holt, Clifford Holt, Mamselia (Marcelia) Holt, Mary Johnson, Ruth Vann, Martha Chinnett, Lillie Chinnett, Frank Johnson, Luella Johnson, Frances Johnson, Nettie Johnson, Katie Johnson, Clarence Johnson and Wilda Johnson as Cherokee freedmen, together with the decision of the Commissioner of February 28, 1907, rejecting the applications.

The Office has examined the record in this case and finds the conclusions of the Commissioner to be correct, and recommends that his decision be approved.

In connection herewith the Commissioner invites attention to the case of Enoch Daniels, et al., applicants for enrollment as Cherokee freedmen, wherein the Department on October 28, 1904 (I.T.D.7726-1904), found that one Laura Daniels (nee Ridge), daughter of Cornelius Ridge, a party applicant herein, was entitled to enrollment as a Cherokee freedman and included in a partial roll of Cherokee freedmen approved by the Department on July 27, 1905, opposite No. 3907.

Mr. Bixby now reports that Laura Daniels was born since 1866 and that her right to enrollment was based on the theory that her father, Cornelius Ridge, who is denied enrollment by the present decision, had "heretofore been enrolled by the Commission as a Cherokee freedman."

This being an error, as indicated by the case herewith transmitted, the Commissioner now recommends that the Department reverse its decision in the case of Enoch Daniels, et al., so far as it relates to Laura Daniels, and that her name be stricken from the roll.

The Office concurs in this recommendation.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

AJW-HH

Cherokee F.
R-113

Muskogee, Indian Territory, March 15, 1907.

Elnora Vann,

Spavinaw, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior, March 4, 1907.

Respectfully,

JMH

Commissioner.

Cherokee F.
D-295 et al.

COPY

Muskogee, Indian Territory, March 15, 1907.

Starr & Patten,

Attorneys for Katie Ridge, et al.,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting the applications for the enrollment of Katie Ridge, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED *Tams Bixby.*

Commissioner.

Encl.K-6
JMH

Cherokee F.
D-295 et al.

COPY

Muskogee, Indian Territory, March 15, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting the applications for the enrollment of Katie Ridge, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED Tams Bixby.
Commissioner.

Encl.H-6
JMH

ENROLLMENT BUREAU

CHEROKEE FREEDMAN.

113

Decision

IN THE MATTER OF THE APPLICATION OF

Elvira Vann

FOR ENROLLMENT AS

CHEROKEE FREEDMEN

A. Original testimony June 7, 01

B. Mem. of application " "

Copy of testimony filed with Cherokee Nation in Sec to Cherokee Freedmen Docket No D 596

Cher. Fr. R-114

Cher. Fr. R-114

REJECTED:

Department of the Interior,
Commission to the Five Civilized Tribes,
June 7, 1901, Muskogee, I.T.

In the matter of the application of Thomas Ross for the enrollment of himself and 2 grandchildren as Cherokee By Adoption; being sworn and examined by Commissioner Needles, he testified as follows:

Q What is your name? A Thomas Ross.
Q How old are you? A I will tell you what my mother said, she said I was born the same year that the Mexican War was.
Q That was about '48, I recollect that myself; you are about 53 years old, is that right? A Yes sir, that's about right.
Q What is your post-office address? A Coffeyville.
Q What district do you live in? A I live now in Cooweescoowee District.
Q Are you a recognized citizen of the Cherokee Nation? A No sir, this is been the first time I ever come before the --
Q Is your name on the authenticated roll of 1880? A No sir, not on any roll.
Q Who do you need to enroll besides yourself? A Well, I have nobody but my two grandchildren.
Q What are the names of the children? A Willie Callahan.
Q How old is he? A He is about 14.
Q What is the next one? A Condon Callahan.
Q How old is Condon? A He is 7.
Q What is the name of the mother of these children? A Chaney Ross.
Q What is their father's name? A Thomas Ross.
Q The mother's name is Chaney Ross and their father Thomas Ross, how do they happen to be Callahan? A That was their father.
Q Was Chaney Ross ever married? A Yes sir, she married a man named Callahan.
Q He was the father of these children? A Yes sir.
Q That's what I asked you, you said the father was Thomas Ross?
A Well, it was Fred Callahan.
Q Was he a citizen? A No sir.
Q Chaney Ross was a citizen? A She was my daughter.
Q Is she living? A No sir, she is dead.
Q You say your name is not on any of the rolls of the Cherokee Nation? A No sir.
Q Where were you born? A I was born in Park Hill, Cherokee Nation.
Q Were you ever a slave? A Yes sir.
Q To whom did you belong? A Old John Ross, Chief of the Cherokees.
Q Did you go out of the Cherokee Nation at any time? A Yes sir.
Q When? A During the war, went out as a soldier- between the north and the south.
Q When did you return back to the Territory? A It hasn't been more than about four years ago since I returned here.
Q Where have you been living since the war broke out? A I was in the army during the war.
Q Well, after you was discharged from the army? A I was discharged at Pine Bluff, Arkansas, and I got my discharge up at Ft. Leavenworth; I was sick at the hospital, and I have been sick off and on since, and I wasn't able to get home; I am telling you the truth, Major.
Q Where have you been all the time? A Right there in Leavenworth.
Q Up until four years ago? A Yes sir.
Q Then you came to the Cherokee Nation? A Yes sir.
Q Where was Chaney born? A Up there, all of my children were born here.
Q Where have the children been living? A They are living on Snow Creek now.
Q With you? A Yes sir.
Q They came down with you when you came? A Yes sir.

Thomas Ross et al 2

Chairman Needles: Thomas Ross applies for the enrollment of himself and two grandchildren, Willie and Condon Callahan; it appears that their mother is not on any of the rolls of the Cherokee nation; he was a slave during the war, to old Chief ~~Ross~~ John Ross; he went out of the Cherokee Nation and never returned until about four or five years ago, living all the time in the State of Kansas; consequently under the law the Commission has no right to list said Thomas Ross and his two grandchildren for enrollment, and their application will be rejected.

-----*****-----

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this June 12,1901.

Commissioner.

Cancelled

Cherokee Freedmen R-114.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Thomas Ross, Willie Calahan and Condon Calahan as Cherokee Freedmen.

DECISION.

It appears from the record herein that Thomas Ross appeared before the Commission at Chelsea, Indian Territory, on June 7, 1901, and made application for the enrollment of himself and his minor grand-sons, Willie and Condon Calahan, as Cherokee freedmen.

The evidence in this case shows that the applicant, Thomas Ross, was the slave of a Cherokee citizen at the commencement of the rebellion; that during said rebellion he left the Cherokee Nation and did not return thereto and established a residence therein within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of Cherokee freedmen to said Nation. It further appears that the minor applicants, Willie and Condon Calahan, are the children of one Chaney Ross (now deceased), a daughter of the applicant, Thomas Ross; and the said minor applicants, Willie and Condon Calahan, together with their said mother, Chaney Ross (now deceased), have been born since 1866 and have no rights to enrollment except such as may be possessed by their ancestor, the said Thomas Ross.

It does not appear that the name of any of the applicants herein is identified on the 1880 authenticated Cherokee Roll.

It is, therefore, the opinion of this Commission that the application for the enrollment of Thomas Ross, Willie Calahan and Condon Calahan as Cherokee freedmen should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED. [illegible]
Chairman.

[illegible]
Commissioner.

[illegible]
Commissioner.

Commissioner.

Muskogee, Indian Territory,
this APR 7 1904

MOTION

For Review of Decision of Commission denying the application for enrollment as Cherokee Freedmen of

---

BLUE & BULGER,
Attorneys for Applicants.

McGOWAN & SERVEN,
Of Counsel.

DEPARTMENT OF THE INTERIOR.

To the Honorable, the Secretary of the Interior:

In the matter of the application of the following named persons for enrollment as Cherokee Freedmen, consolidating the applications of :

MOTION FOR REVIEW OF DECISION.

Come now, by their attorneys, the above named persons who have been denied enrollment as Cherokee Freedmen solely because they or their ancestors were not physically in the Cherokee Nation on August 11, 1866, or within six months thereafter, regardless of attendant circumstances, and move the Honorable Secretary of the Interior to rescind said decision___to readjudicate said cases and to enroll said persons as Cherokee Freedmen for the reason that the evidence shows that said persons or their ancestors were slaves of Cherokee citizens at the commencement of the War of the Rebellion, that during said war they were compelled by circumstances over which they had no control to go out of the Cherokee Nation, but returned within a reasonable time after promulgation of treaty of July 19, 1866, considering the attendant circumstances, as shown by the records of the Department of the Interior, the Department of War and the Commission to the Five Civilized Tribes.

These records show that these persons were legally residents of the Cherokee Nation on August 11, 1866.

The records of the Commission show that it did not base its decisions in these cases upon proper grounds, but based them upon a supposed bar in Article 9 of the Cherokee Treaty of July 19, 1866, against the consideration of the reasons why a Cherokee Freedman was not in the Nation prior to February 11, 1867.

The records show that these persons were residents in good faith in the Cherokee Nation prior to June 28, 1898.

That applications were made for their enrollment prior to September 1, 1902.

Wherefore we respectfully request that this motion be allowed.

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.....

Attorneys for Applicants.

Service of the above motion accepted and a copy of the same received by the attorneys for the Cherokee Nation, at Vinita, I. T., this day of , 1905.

BELL, HASTINGS & DAVENPORT,
Attorneys for Cherokee Nation.

By_____

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date, JUN 7 - 1901

Post Office Fayetteville, Ark

District COOWEESCOOWEE.

1. Name Thomas Ross Age 53

Owner's name Tom Ross Citizenship Cherokee

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

2. Name of wife ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

Rejected

Names of Children:

3.	Willie Vaughan	Year	Page	No.	Dist.	14
4.	Lorena "	Year	Page	No.	Dist.	
5.		Year	Page	No.	Dist.	
6.		Year	Page	No.	Dist.	
7.		Year	Page	No.	Dist.	
8.		Year	Page	No.	Dist.	
9.		Year	Page	No.	Dist.	
10.		Year	Page	No.	Dist.	
11.		Year	Page	No.	Dist.	
12.		Year	Page	No.	Dist.	

Application made by No 1 Stenographer W. A. Green

COPY.

Cherokee Freedmen
R-114.

Muskogee, Indian Territory, May 3, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Thomas Ross, Willie and Condon Calahan as Cherokee freedmen, including the Commission's decision dated April 20, 1904, rejecting said application.

Respectfully,

Tams Bixby.

Chairman.

Through the
Commissioner of Indian Affairs.

Enc. D-97.

COPY.

Cherokee Freedmen
R-114.

Muskogee, Indian Territory, May 3, 1904.

Thomas Ross,

Coffeyville, Kansas.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of the application for the enrollment of yourself and your grandchildren, Willis and Condon Gelahan, as Cherokee freedmen, together with a copy of the Commission's decision dated April 20, 1904, rejecting said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.

Chairman.

Register

Enc. D-93.

M09

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

WM O. BEALL,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen
R-114.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 3, 1904.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, rejecting the application for the enrollment of Thomas Ross, Willie and Condon Calahan as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Enc. D-96.

Chairman.

COPY

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS.

30574-1904 Washington, May 23, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith a report from the Commission to the Five Civilized Tribes dated Mat 3, 1904, transmitting the record of the application of Thomas Ross for the enrollment of himself and his minor grandsons, Willie and Condon Calahan, as Cherokee Freedmen.

April 20, 1904, the Commission found that the applicants were not entitled to enrollment as Cherokee freedmen.

The evidence shows that the applicant Thomas Ross was the slave of a Cherokee citizen at the commencement of the war of the rebellion; that during the war he left the Cherokee Nation and did not return on or before February 11, 1867. It further appears that the minor applicants, Willie and Condon Calahan, together with their deceased mother, Chaney Ross, a daughter of the applicant Thomas Ross , have been born since February 11, 1867, and have no rights to enrollment except such as may be possessed by their ancestor, the said Thomas Ross.

The names of the applicants are not identified on the 1880 authenticated Cherokee roll.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

MMM

C

COPY

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS.

30674-1904 Washington, May 25, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith a report from the Commission to the Five Civilized Tribes dated Mat 3, 1904, transmitting the record of the application of Thomas Ross for the enrollment of himself and his minor grandsons, Willie and Condon Calahan, as Cherokee Freedmen.

April 20, 1904, the Commission found that the applicants were not entitled to enrollment as Cherokee freedmen.

The evidence shows that the applicant Thomas Ross was the slave of a Cherokee citizen at the commencement of the war of the rebellion; that during the war he left the Cherokee Nation and did not return on or before February 11, 1867. It further appears that the minor applicants, Willie and Condon Calahan, together with their deceased mother, Chaney Ross, a daughter of the applicant Thomas Reoss, have been born since February 11, 1867, and have no rights to enrollment except such as may be possessed by their ancestor, the said Thomas Ross.

The names of the applicants are not identified on the 1880 authenticated Cherokee roll.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

A. C. Tonnar,

Acting Commissioner.

MMM

C

J.P.
FHE

DEPARTMENT OF THE INTERIOR,

Washington.

D.C. 18184-1904 May 27, 1904.

I.T.D. 4220-1904.
LRS.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

May 3, 1904, you transmitted the record in the matter of the application for the enrollment of Thomas Ross, Willie and Condon Calahan (R-114:, as Cherokee freedmen, including your decision of April 20, 1904, rejecting said application.

Reporting in the matter May 23, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

Signed Thos Ryan
Acting Secretary.

1 inclosure.

J.P.
FHE

DEPARTMENT OF THE INTERIOR,

Washington.

D.C. 18184-1904 May 27, 1904.

I.T.D. 4220-1904.
LRS.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

May 3, 1904, you transmitted the record in the matter of the application for the enrollment of Thomas Ross, Willie and Condon Calahan (R-114:, as Cherokee freedmen, including your decision of April 20, 1904, rejecting said application.

Reporting in the matter May 23, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

Signed Thos Ryan
Acting Secretary.

1 inclosure.

Cherokee Freedmen
R 114

Muskogee, Indian Territory, June 7, 1904.

Thomas Ross,

Coffeyville, Kansas.

Dear Sir:

You are hereby advised that the Commission's decision dated April 20, 1904, rejecting your application for the enrollment of yourself and your two grandchildren, Willie and Condon Calahan, as Cherokee freedmen, was affirmed by the Secretary of the Interior on May 27, 1904.

Respectfully,

Chairman.

1209

COMMISSIONERS
TAMS BIXBY
THOMAS B. NEEDLES
R. BRECKINRIDGE
WM. O. BLAIR
SECRETARY

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
R 114

Muskogee, Indian Territory, June 7, 1904.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated April 20, 1904, rejecting the application for the enrollment of Thomas Rees, Willie and Gemion Calahan as Cherokee freedmen, was affirmed by the Secretary of the Interior on May 27, 1904.

Respectfully,

Chairman.

CHE[illegible]EDMAN. R 114

IN THE MATTER OF THE APPLICATION OF

Thomas Ross et al

FOR ENROLLMENT AS

CHEROKEE FREEDMEN

1. Original testimony June 7. 01

2. Mem. of application " "

REFUSED

APPROVED BY SECRETARY OF INTERIOR.

MAY 27 1904

Copy of testimony filed with Cherokee Nation

END
OF
REEL

